

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46061 of 2015

Arising Out of PS.Case No. -359 Year- 2015 Thana -MADHEPURA District- MADHEPURA

1. Shyam Mehta son of Late Baidyanath Mehta resident of village- Biraili
Bazar Ward No. 6, P.S. Madhepura (Bharrahi O.P.), District- Madhepura

.. Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Vishoka Nand, Adv

For the Opposite Party/s : Mr. Nitya Nand Tiwary (App)

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 04-11-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioner for the offences punishable under Sections-379 and 461 of the Indian Penal Code, this Court by taking into account that even though the petitioner has been named in the First Information Report by the informant to be one of the twelve to thirteen persons, who had committed theft, not only in his shop but in many other shops, in the fateful night and yet the police has not been able to recover anything from the possession of the petitioner and that the petitioner also has got no criminal

antecedent, this Court would be inclined to grant the privilege of anticipatory bail to the petitioner but only after complete verification of his criminal antecedent.

That being so, if the petitioner namely, **Shyam Mehta**, surrenders within a period of four weeks from today, he would be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of **Chief Judicial Magistrate, Madhepura** in connection with **Madhepura (Bharrahi) P.S. Case No. 359 of 2015**, subject to the conditions laid down under Section- 438 (2) Cr. P.C and also subject to the following conditions:-

(i) That the court below shall make verification of criminal antecedent of the petitioner and if it is found that he is accused in any other criminal case, he shall not be granted bail and would be taken into custody.

(ii) That both the bailors will be close relative of the petitioner who will give an affidavit giving genealogy as to how they are related with the petitioner. The bailors will also undertake to inform the Court if there is any change in the address of the

petitioner.

(iii) That the bailor shall also state on affidavit that they will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

(iv) That the petitioner will give an undertaking that he will receive the police papers on the given date and be present on the date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse.

(v) That the petitioner will be well represented on each and every date of trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

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