

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52269 of 2015

Arising Out of PS.Case No. -247 Year- 2014 Thana -KHIJARSARAI District- GAYA

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Birendra Yadav S/o Madho Yadav, r/o village Banarsi Bigha, P.S.
Khizersarai, Distt. Gaya, Bihar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brijeshwar Narayan Singh, Advocate

For the Opposite Party/s : Mr. Mustaque Alam, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

2 10-11-2015

Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in a case registered under Section 47 of the Excise Act.

Considering that the Petitioner is a first offender, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender before the learned court below within a period of four weeks from the date of receipt of this order in connection with Khizersarai P.S. case No.247 of 2014 on furnishing bail bonds of Rs.5,000/- (five thousand) with two sureties of the like amount each to the satisfaction of Ms. Akanksha Kashyap, Judicial Magistrate, 1st class, Gaya, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as also conditions (i) That one of the bailor will be a close relative of the petitioner who will give an affidavit

giving genealogy as to how he is related with the petitioner. The bailor will undertake to furnish information to the Court about any change in address of the petitioner. (ii) That the affidavit shall clearly state that the petitioner is not an accused in any other case and if he is he shall not be released on bail, (iii) That the bailor shall also state on affidavit that he 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 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 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 date if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Anjana Prakash, J)

Narendra/-

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