

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.885 of 2015

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Shivanand Mehta son of Late Nandu Mehta, resident of Village - Kurva
Laxmipur, Police Station- Forbesganj (Simraha), District - Araria
..... Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun, Advocate
Mr. Sanjay Kr. @ S.K., Advocate
For the Opposite Party/s : Mr. Ram Chandra Sahni, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 04-03-2015

Heard the parties.

The petitioner seeks bail in a criminal prosecution originally registered under Sections 395 and 397 of the Indian Penal Code in which subsequently offence under Section 376 of the Indian Penal Code was also added by order dated 09.02.2012 i.e. after about four months.

Learned counsel appearing on behalf of the petitioner submits that the petitioner and the informant are co-villagers and the informant is not consistent about the prosecution case and she is changing her statement from time to time only with a view to falsely implicate the petitioner. The petitioner is in custody since 17.10.2014.

Be that as it may, in the facts and circumstances of the case, the prayer for bail of the petitioner is allowed. The above named petitioner is ordered to be released on bail on furnishing bail bond of Rs.25,000/-(Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in Forbesganj (Simraha) P.S. Case No.

440 of 2011, subject to the following conditions:

(A) one of the bailors must be government servant or close family member of the petitioner who will file an affidavit in the court below showing his/her relationship with the petitioner,

(B) if the petitioner is found involved in same and similar nature of cases in future, then in that case, the informant/prosecution shall be at liberty to file a petition for cancellation of bail of the petitioner, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving opportunity of hearing to all concerned, and

(C) the petitioner shall make regular pairvi in the court below in the present case either by appearing himself in person or through representation by his lawyer on each and every dates, and if on two consecutive dates petitioner fails to make pairvi, then the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Prasad Verma, J)

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