

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39437 of 2014

Arising Out of PS.Case No. -332 Year- 2014 Thana -BHAGALPUR KOTWALI District-
BHAGALPUR

=====

Shailendra Ram @ Shailendra Kumar, Son of Sri Kailash Ram, R/o Kasba
Golaghat, P.S.- Tatarpur, District- Bagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Tiwary, Advocate.

For the Opposite Party/s : Mr. Damodar Pd. Tiwary (App)

=====

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 16-04-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under sections 379, 406, 420 and 504/34 of the Indian Penal Code, this Court, taking into account that the petitioner has also got no criminal antecedent and that whatever allegation has been made either against the petitioner or co-accused Harsh Nath Jha or Pramod Singh, can at best give rise to a civil litigation by way of specific performance of contract in relation to execution of sale deed, would find the petitioner entitled for privilege of anticipatory bail, but it is made clear that as the amount was handed over by the complainant to Harsh Nath Jha, who is already languishing in jail custody while the complaint was filed, this order of grant of privilege of anticipatory bail to the petitioner,

will not inure to any benefit of co-accused Harsh Nath Jha.

That being so, if the petitioner, namely, Shailendra Ram @ Shailendra Kumar, surrenders before the court below within a period of four weeks from today, he shall be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur in connection with Kotwali (Adampur) P.S.Case No. 332 of 2014 (G.R.No. 1872 of 2014), subject to the following conditions:

- (i) That both the bailors will be close family relatives of the petitioner, who will undertake 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.
- (ii) That the affidavit shall clearly state that the petitioner is not accused in any other case and if he is, he shall not be released on bail.
- (iii) That the bailors 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 his bail on the ground of misuse.

(iv) That the petitioner will be well represented on each and every date in course 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.

Sujit/-

(Mihir Kumar Jha, J)

U			
---	--	--	--