

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41448 of 2014

Arising Out of PS.Case No. -15 Year- 2013 Thana -GOVERNMENT OFFICIAL COMP. District-
SASARAM (ROHTAS)

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1. Mahendra Paswan Son of Jag Narayan Paswan
2. Hiralal Ram Son of Sri Deobans Ram Resident of Village - Saraiya, P.S.-
Amjhore, District - Rohtas

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Singh

For the Opposite Party/s : Mr. Surendra Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 20-03-2015

Heard.

The petitioners apprehend their arrest in a criminal prosecution registered under Section 47(a) of the Bihar Excise Act, 1915.

Though the petitioners are named in the prosecution report vide Annexure-1, but admittedly, they were not apprehended on spot and there is allegation of recovery of only 40 litres of country made liquor.

Taking into consideration the aforesaid aspects and further taking into consideration that they are not said to be accused in any other criminal case, except the present one, the prayer for anticipatory bail made on behalf of the petitioners is allowed. In the event of their arrest or surrender in the court below within a period of four weeks from today, the petitioners above named shall be enlarged on bail on furnishing bail bond of Rs. 25,000/- each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Dehri at Rohtas in connection with Excise Case No. 15 of 2013,

subject to the conditions as laid down under Section 438(2) of the Cr. P. C. and subject to further conditions that:

- (A) One of the bailors must be government servant or close family members of the petitioners, who will file an affidavit in the court below showing his/her relationship with the petitioners,
- (B) if the petitioners are 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 the bail of the petitioners, and if such a petition is filed, then 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 petitioners shall make regular pairvi in the court below in the present case either by appearing themselves in person or through representation by their lawyer on each and every dates, and if on two consecutive dates petitioners fail to make pairvi, then the court below shall be at liberty to cancel their bail bonds.

(Birendra Prasad Verma, J)

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