

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41478 of 2014

Arising Out of PS.Case No. -241 Year- 2012 Thana -MAKHDUMPUR District- JEHANABAD

1. Bigan Das, S/o Sampat Das
2. Upendra Kumar, S/o Harif Das
Both Resident of Village-Raja Bigha, P.S.-Makhdumpur, District-
Jehanabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar No.1
Md. Mushtaque Alam

For the Opposite Party/s : Mr. Lalan Kumar, APP

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 Sections 307/34, 354 and some other allied minor or bailable offences under the Indian Penal Code.

It is submitted by the learned counsel appearing on behalf of the petitioners that, though the petitioners are named in the FIR vide Annexure-1 as accused, but on close of the investigation the prosecution allegations against them were found not supported by the independent witnesses. Accordingly, while submitting the charge-sheet on 26.01.2013 against co-accused Sachet Kumar, the petitioners were not sent up for trial. However, the learned Magistrate has disagreed with the police report and has taken cognizance against the petitioners also, besides other. Hence, they apprehend their arrest.

A photocopy of the aforesaid final form dated 26.01.2013 has been produced by the learned counsel appearing

on behalf of the petitioners for perusal of this Court. Let it be kept on record.

Taking into consideration the fact that the petitioners were not sent up for trial on close of the investigation of the criminal case, this Court is inclined to accede to the prayer made on behalf of the petitioners for grant of anticipatory bail. Accordingly, their prayer for grant of anticipatory bail is allowed. In the event of their arrest or surrender in the court below within a period of four weeks from today, let the above named petitioners 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 Sri Deshmukh, learned Judicial Magistrate-1st Class, Jehanabad in connection with Makhdumpur P.S. Case No. 241 of 2012, Trial No.3706 of 2014, 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 member 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 bail of the petitioners, 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;
- (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 date, and if on two consecutive dates petitioners fail to make pairvi, then the court below shall be at liberty to cancel the bail bond of the petitioners.

(Birendra Prasad Verma, J)

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