

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17304 of 2015

Arising Out of PS.Case No. -14 Year- 2015 Thana -RIVILGANJ District- SARAN

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1. Sikandar Rai son of Vishwanath Rai
 2. Shio Kumar @ Kanwa son of Nunu Rai @ Sri Bhagwan Rai
 3. Vikki Rai, son of Manoj Kumar Rai
 4. Amit Kumar @ Amit Kumar Rai, son of Madan Rai,
All resident of village- Sengar Tola, P.S.- Revilganj, District- Saran at
Chapra (Bihar)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar
For the Opposite Party/s : Mr. Iftekhar Mahmood (App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 25-06-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioners for offence under Sections 147, 148, 149, 353, 332, 283, 504, 290, 307, 337 & 338 of the Indian Penal Code and the fact that the Informant police officer has not alleged any specific overt act against the petitioners much less assault by them on his person and that the whole incident had taken place in course of immersion of idol of goddess Saraswati, this Court, by taking into account that there is also a counter version of the occurrence and that the petitioners have also got no criminal antecedent, would direct that if the petitioners, namely, 1. Sikandar Rai, 2. Shio



Kumar @ Kanwa, 3. Vikki Rai and 4. Amit Kumar alias Amit Kumar Rai surrender before the court below within a period of four weeks from today, they shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Saran at Chapra in connection with Rivilganj Police Station Case No. 14 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to following conditions:-

- (i) That the court below shall make verification of criminal antecedent of the petitioners and if it is found that they are accused in any other criminal case, they shall not be granted bail and would be taken into custody.
- (ii) That both the bailors will be a close relative of the petitioners, who will undertake an affidavit giving genealogy as to how they are related with the petitioners. The bailors will also undertake to inform the court if there is any change in the address of the petitioners.
- (iii) That the affidavit shall clearly state that the petitioners are not an accused in any other case and if they are, they shall not be released on bail.
- (iv) That the bailors shall also state on affidavit that they will

inform the court concerned, if the petitioners are implicated in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

(v) That the petitioners will be well represented on each and every date in course of trial and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

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