

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24530 of 2015

Arising Out of PS.Case No. -321 Year- 2014 Thana -AGAMKUAN District- PATNA

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Mahesh Prasad @ Mahesh Kumar son of Vishwanath Mahto resident of
village - Mehandiganj, P.S. Mehandiganj, Dist - Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bindeshwar Prasad Singh, Adv

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

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 21-08-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioner for the offences punishable under Sections-420, 364 and 120B of the Indian Penal Code and that whatever materials has come on record particularly even the call detail records of the deceased will go to show that he was very much moving around till 26.07.2015, and in fact his last location was in the State of West Bengal, this Court having regard to the defence of the petitioner that he did not have any communication or the police has also not collected any



material to show that the lady with whom the deceased had last contacted namely, Purnima Biswas, is in any way having communication with the petitioner, this Court would be inclined to grant the privilege of anticipatory to the petitioner when he also has got no criminal antecedent.

That being so, if the petitioner namely, **Mahesh Prasad** surrenders within a period of four weeks from today, he would be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of **A.C.J.M., Patna City, Patna** in connection with **Agamkuan P.S. Case No. 321 of 2014**, subject to the conditions laid down under Section- 438 (2) Cr. P.C and also subject to the following conditions:-

(i) That the court below shall make verification of criminal antecedent of the petitioner and if it is found that he is accused in any other criminal case, he shall not be granted bail and would be taken into custody.

(ii) That both the bailors will be close

relative of the petitioner who will give 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.

(iii) That the bailor 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 bail on the ground of misuse.

(iv) That the petitioner will give an undertaking that he will receive the police papers on the given date and be present on the date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse.

(v) That the petitioner will be well represented on each and every date 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.

(Mihir Kumar Jha, J)

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