

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1519 of 2015

Arising Out of PS.Case No. -322 Year- 2014 Thana -SUPAUL District- SUPAUL

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Md. Sahid @ Sahid Dafali @ Chhedi Dafali, son of Late Habib Dafali
Resident of village - Islampur, Ward No. 18, P.S. & District - Supaul

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nafisuzzoha

For the Opposite Party/s : Mr. Ambika Bhagat, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 04-03-2015

Heard.

The petitioner seeks bail in a criminal prosecution originally registered under Sections 302, 201 and 120B of the Indian Penal Code. However, subsequently offences under Section 3(2)(v) of the SC/ST (Prevention of Atrocities) Act, 1989 was also added.

Taking into consideration the fact that the petitioner is not named in the FIR vide Annexure-1 as an accused and the entire prosecution case is based on suspicion and surmises and further taking into consideration the fact that he is in judicial custody since 28.07.2014 and he is said to be the first offender as no other criminal case except the present one is pending against him, his prayer for bail is allowed. The petitioner above named is directed to be released on bail on furnishing bail bond of Rs.25,000/- with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Supaul in connection with Supaul P.S.Case No.322 of 2014, subject to the conditions that:

- (a) One of the bailors must be government servant or close family member of the petitioner, who will file an affidavit in the court below showing his/her relationship with the petitioner,
- (b) if the petitioner is 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 petitioner, 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 petitioner shall make regular pairvi in the court below in the present case either by appearing himself in person or through representation by his lawyer on each and every date, and if on two consecutive dates petitioner fails to make pairvi, then the court below shall be at liberty to cancel the bail bond of the petitioner.

Arvind/-

(Birendra Prasad Verma, J)

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