

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.46077 of 2015

Arising Out of PS.Case No. -19 Year- 2013 Thana -BHELDI District- SARAN

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1.Vijay Kumar Singh Son of Pashupati Singh, resident of village-
Mohammadpur, P.S. Garkha, District- Saran

2. Bittu Kumar, son of Subh Narain Singh, resident of village- Sirasa Rai,
P.S.- Bheldi, District- Saran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh, Adv

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

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA

ORAL ORDER

2 04-11-2015 Heard learned counsel for the parties.

Learned counsel for the petitioner prays for and is
allowed to make necessary correction in paragraph no. 6
as with regard to parentage of Sonu Kumar.

Having regard to the nature of allegation against the
petitioners for the offences punishable under Sections-
341, 342, 323, 379, 385, 504, 506/34 of the Indian Penal
Code and that the petitioners were not named in the First
Information Report and whatever allegations have
surfaced is based on the statement recorded in paragraph
no. 57 and 59 of the case diary, which also does not in any
way either involve the petitioners, inasmuch as, the car of



petitioner no. 1 was being used by his son namely, Sonu Kumar and none of the witnesses have said that the petitioners were present or had taken part in any way in the occurrence. As a matter of fact, the involvement of Sonu Kumar being there, when Ram Naresh Singh in his statement had stated that there were only two persons and he could identify even only the son of petitioner no. 1, there was no difficulty for him in naming the petitioner no. 1 if he was in the car and/or around the place of occurrence.

That being so, if Sonu Kumar, the son of petitioner no. 1 was arrested and has already been granted bail, this Court would be inclined to grant the privilege of anticipatory bail to petitioner no. 1, Vijay Kumar Singh, who also has got no criminal antecedent, but the same privilege however cannot be given to petitioner no. 2, Bittu Kumar, who has got criminal antecedent.

Hence, the prayer for anticipatory bail of the petitioner no. 2, Bittu Kumar is hereby rejected. He is

directed to surrender before the Court below and make prayer for regular bail.

If the petitioner no. 1, namely, **Vijay Kumar Singh**, 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 **Chief Judicial Magistrate, Saran, Chapra** in connection with **Bheldi P.S. Case No. 19 of 2013**, subject to the conditions laid down under Section- 438 (2) Cr. P.C and also subject to the following conditions:-

(i) 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.

(ii) 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.

(iii) 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.

(iv) 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.

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(Mihir Kumar Jha, J)