

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45849 of 2015

Arising Out of PS.Case No. -89 Year- 2015 Thana -BARACHATTI District- GAYA

=====

1. Ghanshyam Yadav S/o Pun Yadav
2. Nagunwa Devi W/o Ghanshyam Yadav
3. Baby Devi @ Baby Kumari d/o Ghanshyam Yadav All Resident of
Village Lathbela, P.S. Barachatty, District Gaya.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Shivendra Prasad

For the Opposite Party/s : Mr. Anuj Kr.Srivastava(App)

=====

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 30-10-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under sections 323, 324, 379, 307/34 of the Indian Penal Code as also section 3/4 of the Witch Protection Act, and that the allegation of assault is only against petitioner no.1 which also has not been fully substantiated in the sense that the nature of injury has been found to be lacerated despite his being said to be armed and assaulting with Garasa, this Court still keeping in view that there has been an injury found on the husband of the victim lady is not inclined to grant privilege of anticipatory bail to petitioner no.1, Ghanshyam Yadav.

The prayer for anticipatory bail of petitioner no.1 is, accordingly, rejected.



Against rest of the two petitioners, petitioners no. 2 and 3, there is no specific allegation of any overt act and therefore, they having no criminal antecedent would be entitled for grant of privilege of anticipatory bail.

That being so, if petitioners no. 2 and 3, Nagunwa Devi and Baby Devi @ Baby Kumari, would 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 the S.D.J.M., Sherghatty (Gaya) in Barachatty P.S. Case No. 89/2015, subject to the 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 give 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 bailor shall also state on affidavit that he 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.

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

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

surendra/-

(Mihir Kumar Jha, J)

U			
---	--	--	--