

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49868 of 2015

Arising Out of PS.Case No. -405 Year- 2014 Thana -DUMRA District- SITAMARHI

1. Bhairav Sah Son of Late Mangal Sah
2. Suresh Sah Son of Ram Swaroop Sah Both Resident of Village -
Banchauri, P.S.- Dumra, District- Sitamarhi

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha

For the Opposite Party/s : Mr. Shailendra Kumar 1 (App)

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 09-11-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under sections 341, 323, 324, 307, 379, 504/34 of the Indian Penal Code and the fact that for the occurrence in question both present case and a counter case have been filed and a bench of this Court by taking into account that for the nature of similar allegation in the counter case the two persons, namely, Rajesh Bharti and Mukesh Kumar, both sons of Ramesh Prasad, who alike the petitioners were alleged to have assaulted the members of the prosecution party by lathi have been granted the privilege of anticipatory bail while distinguishing and rejecting the same prayer of one Ramesh Prasad said to have caused fatal injury on the person of the deceased Khushiya Devi in the counter case and thus, this Court in order to maintain parity and despite very serious opposition made



by the learned counsel for the State would be inclined to grant privilege of anticipatory bail by also keeping into account that the two petitioners also have now no criminal antecedent, inasmuch as petitioner no.1 claims to have never been made accused in any case and petitioner no.2 though made accused in one criminal case which being for offence under sections 323, 341 I.P.C. is said to have been compromised.

Thus, if the petitioners, Bhairav Sah and Suresh Sah, 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 Chief Judicial Magistrate, Sitamarhi in Dumra P.S.Case No. 405/2014, 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, he 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)

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