

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22498 of 2015

Arising Out of PS.Case No. -34 Year- 2011 Thana -ANDHRATHARI District- MADHUBANI

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Ram Gulam Bhandari S/o Bhuwaneshwar Bhandari Resident of Village
Dhakajari, P.S. Andhra Tharhi, District Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha

For the Opposite Party/s : Mr. Ram Sumiran Rai(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 fact that the petitioner is facing prosecution for offence under Sections 147, 148, 149, 341, 323, 307, 332, 333, 337, 338, 353, 394, 188, 427, 120B, 504 & 506 of the Indian Penal Code and Section 3/4 of the Damage to Government Property Act, this Court, finding that there is general and omnibus allegation of a mob of 400 to 500 persons attacked at the gate of the girl high school and the fact that the petitioner has got no criminal antecedent, he, in absence of any specific overt act, will be entitled for privilege of anticipatory bail specially when many others similarly situated persons have also been granted privilege of anticipatory bail under the order of this Court dated 13.7.2015 in Cr. Misc. No. 25359 of 2015.



That being so, if the petitioner, namely, Ram Gulam Bhandari would surrender before the court below within a period of four weeks from today, he shall 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 Sri Devanand Mishra, Judicial Magistrate 1st Class, Jhanjharpur, Madhubani in connection with Andhra Tharhi P.S. Case No. 34 of 2011 (G.R. No. 503 of 2011), subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to 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 a close relative of the petitioner, who will undertake 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 affidavit shall clearly state that the petitioner is not an accused in any other case and if he is, he shall not be released on bail.

(iv) That the bailors 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.

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