

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40118 of 2015

Arising Out of PS.Case No. -1217 Year- 2015 Thana -BHOJPUR COMPLAINT CASE District-
BHOJPUR

- =====
1. Yogendra Chaudhary @ Jogendra Chaudhary, son of Ashlok Chaudhary
 2. Santosh Kumar Chaudhary @ Santosh Chaudhary, son of Sri Yogendra Chaudhary
- Both resident of village Baga, P.S. Azimabad in the district of Bhojpur
.... Petitioners

Versus

1. The State of Bihar
 2. Niku Devi, wife of Sanjay Ojha, resident of Baga, P.S. Azimabad, District Bhojpur
- Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar
For the Opposite Party/s : Md.Arif (App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 30-09-2015 Heard learned counsel for the parties.

Learned counsel for the petitioners submits that petitioner no.1, Yogendra Chaudhary @ Jogendra Chaudhary, has already been arrested and therefore, his prayer for anticipatory bail has become infructuous.

Having regard to the nature of allegation for offence under sections 323, 442, 354, 380, 504, 506/34 of the Indian Penal Code arising out of a complaint case filed by the complainant Niku Devi and that the sole petitioner no.2 after arrest of his father Yogendra Chaudhary, petitioner no.1, claims to have no criminal antecedent and that the wife of the petitioner, namely, Asha Devi, had earlier filed a case on 16.6.2015 leading to institution of

Azimabad P.S.Case No. 35/2015, this Court will be inclined to grant privilege of anticipatory bail to petitioner no.2.

That being so, if petitioner no.2, Santosh Kumar Chaudhary @ Santosh Chaudhary, surrenders 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 Dinkar Kumar, Judicial Magistrate, 1st Class, Bhojpur at Ara, subject to the following conditions:

(i) That the court below shall make verification of criminal antecedent of petitioner no.2 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 petitioner no.2 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 petitioner no.2.

(iii) That the bailor shall also state on affidavit that he will inform the Court concerned if petitioner no.2 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.

(iv) That petitioner no.2 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.

surendra/-

(Mihir Kumar Jha, J)

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