

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.18333 of 2016

Arising Out of PS.Case No. -478 Year- 2014 Thana -GOPALGANJ CITY District- GOPALGANJ

- =====
1. Durgesh Kumar son of Sri Karan Prasad
 2. Bhawes Kumar son of Sri Karan Prasad
 3. Mukesh Kumar son of Sri Karan Prasad, All residents of Village -
Hajiapur, Ward No. 27, P.S. - Gopalganj, District - Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.
 2. The Branch Manager, State Bank of India, Main Branch, Gopalganj
- Opposite Party/s
- =====

Appearance :

For the Petitioner/s : Mr. Naresh Prasad

For the Opposite Party/s : Mr. Nagendra Prasad (APP)

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 04-05-2016

Heard the parties.

The petitioners apprehend their arrest in a criminal prosecution registered under Sections 420, 467, 468, 471 and 120B of the Indian Penal Code.

Though, the petitioners are named in the F.I.R, vide Annexure-1, as accused, but taking into consideration the fact that they are loanees and have obtained loan amount from the State Bank of India for the purposes of purchase of auto-rickshaw and further taking into consideration the fact that they have paid part of the loan amount, as has been stated in the anticipatory bail application, and also taking into consideration the fact that with almost identical allegations co-accused Abhishek Raj, co-accused Pramod Kumar Verma and co-accused Dyanand Prasad Singh @ Dyanand Pd. as also co-accused Hemant Kumar have been granted anticipatory bail by co-ordinate Benches of this Court by orders as contained in Annexure-7 and 8 respectively, this Court is inclined to accede to the prayer made on behalf of the petitioners for grant of anticipatory bail.

In the event of their arrest or surrender in the Court below within a period of four weeks from today, let the above named petitioners be enlarged on bail on furnishing bail-bonds of

Rs. 25,000/- each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gopalganj, District Gopalganj, in connection with Gopalganj (Town) P.S. Case No. 478 of 2014, subject to the conditions laid down under Section 438(2) Cr.P.C and subject to the further conditions that:

- (A). One of the bailors must be government servant or close family member of the petitioners, who will file an affidavit in the Court below showing his relationship with the petitioners,
- (B). if the petitioners are found involved in same and similar nature of cases in future, then in that case the informant/ prosecution shall be at liberty to file a petition for cancellation of the bail bonds of the petitioners, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving an opportunity of hearing to all concerned and
- (C). the petitioners shall make regular pairvi in the court below in the present case either by appearing themselves in person or through representation by their lawyer on each and every dates, and if on two consecutive dates petitioners fail to make pairvi, then the court below shall be at liberty to cancel the bail bonds of the petitioners.

(Birendra Prasad Verma, J)

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