

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23927 of 2016

Arising Out of PS.Case No. -100 Year- 2016 Thana -CHOUTARWA District-
WESTCHAMPARAN(BETTIAH)

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1. Pramod Prasad son of Late Ram Prasad
2. Bilu Kumar @ Rahul Prasad @ Rahul Kumar @ Bilu Prasad Son of
Pramod Prasad Both resident of Village- Lagunaha, P.S. Chautarwa,
District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anand Kishore Choudhary

For the Opposite Party/s : Mr. Yogendra Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD
VERMA**

ORAL ORDER

2 30-05-2016

Heard the parties.

The petitioners seek bail in a criminal prosecution registered under Sections 307/149 and some other allied offences under the Indian Penal Code as also under section 27 of the Arms Act.

Though, both the petitioners, are named in the first information Report vide Annexure-1 as accused and are alleged to have participated in the occurrence in question, but taking into consideration the fact that the entire occurrence has taken place on account of a bona fide land dispute between the parties and further taking into consideration the fact that both the petitioners are said to be the first offenders, as asserted in paragraph 3 of the bail petition, and also taking into consideration the fact that both sides are on litigating terms from before which is evident from annexures 3 and 4 filed from the side of the petitioners, this Court is inclined to accede to the prayer made on behalf of the petitioners for grant of bail.

Let the above named petitioners be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Bagaha, West Champaran in connection with Chautarwa P.S. Case No. 100 of 2016 subject to the conditions that :

(A) one of the bailors must be a government servant or close family member of the petitioners who will file an affidavit in the court below showing his/her 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 bail 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 opportunity of hearing to all concerned, and

(C) the petitioner shall make regular pairvi in the court below in the present case either by appearing himself in person or through representation by his 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 bond of the petitioners.

(Birendra Prasad Verma, J)

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