

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24034 of 2016

Arising Out of PS.Case No. -16 Year- 2016 Thana -SANJHAULI District- SASARAM (ROHTAS)

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Kanhaiya Yadav, S/o Late Ram Dular Singh, resident of Village - Bairi
Tola, P.S. - Sanjhauli, District - Rohtas.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr.Adv.
Mrs. Meena Singh, Adv.

For the Opposite Party/s : Mr. S.D. Singh Yadav, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 31-05-2016

Heard.

The petitioner seeks bail in a criminal prosecution registered under Sections 387/34 and some other minor or bailable offences under the Indian Penal Code.

It is submitted by the learned senior counsel appearing on behalf of the petitioner that, as per the prosecution case itself, offence under Section 387 of the Indian Penal Code shall not be attracted and other offences are minor or bailable. He also submitted that, though the petitioner was/is accused in some other criminal cases, but out of four cases mentioned in paragraph 3 of the bail application, he has already been acquitted in three cases and in remaining one case, he is on bail.

Learned Addl. P. P. appearing on behalf of the State of Bihar, though has opposed the prayer for bail, but has not been able to controvert the aforesaid submissions.

Be that as it may, taking into consideration the nature of allegations, as disclosed in the FIR vide Annexure-1 and taking into consideration the period of incarceration already undergone

by the petitioner, let the petitioner above named be released on bail on furnishing bail bond of Rs.25,000/- with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Bikramganj (Rohtas) in connection with Sanjhauli P.S. Case No.16 of 2016, subject to the conditions that:

- (A) One of the bailors must be government servant or close family members of the petitioner, who will file an affidavit in the court below showing his/her relationship with the petitioner,
- (B) if the petitioner is 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 petitioner, 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;
- (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 date, and if on two consecutive dates petitioner fails to make pairvi, then the court below shall be at liberty to cancel the bail bond of the petitioner.

Arvind/-

(Birendra Prasad Verma, J)

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