

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
Criminal Miscellaneous No. 953 of 2016**

Arising out of P.S. Case No. -292 Year- 2015 Thana -  
AMARPUR District- BANKA

- =====
1. Prakash Rajak S/o Arjun Rajak.
  2. Munna Rajak @ Prabhash Rajak S/o Arjun Rajak both  
Resident of Village- Garibpur, P.S. Amarpur, District  
Banka.

.... .... Petitioner/s

Versus

The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ajay Mukherjee, Adv.

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

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**CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH**  
**ORAL ORDER**

**02. 12.01.2016**

Heard learned counsel for the Petitioners, Informant  
and the State.

The Petitioners are apprehending their arrest in a  
case registered under Section 302/34 of the Indian Penal  
Code and Section 27 of the Arms Act.

Considering that apart from suspicion against the  
Petitioners there is no direct material against them who have  
fair antecedents, let them be released on anticipatory bail in  
the event of arrest or surrender before the learned Court below  
within a period of four weeks from the date of receipt of the  
order on furnishing bail bonds of Rs. 5,000/- (Five Thousand)  
each with two sureties of the like amount each or any other  
surety as fixed by the Court to the satisfaction of Chief  
Judicial Magistrate, Banka in connection with Amarpur P.S.  
Case No. 292 of 2015 subject to the conditions as laid down

under Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:- (i) That one of the bailors will be a close relative of the Petitioners who will give an affidavit giving genealogy as to how he is related with the Petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the Petitioners. (ii) That the affidavit shall clearly state that the Petitioners are not accused in any other case and if they are they shall not be released on bail. (iii) That the bailor shall also state on affidavit that he will inform the court concerned if the Petitioners are implicated in any other case of similar nature after their 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 the Petitioners will give an undertaking that they will receive the police papers on the given date and be present on date fixed for charge and if they fail to do so on two given dates and delays the trial in any manner, their bail will be liable to be cancelled for reasons of misuse. (v) That the Petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled.

Vikash/-

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**(Anjana Prakash, J.)**