

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.11627 of 2016

Arising Out of PS.Case No. -257 Year- 2015 Thana -MANIGACHI District- DARBHANGA

1. Vijay Kumar Yadav @ Vijay Kumar son of Sri Saudagar Yadav, resident of Village- Bajitpur, Police Station- Manigachhi, District- Darbhanga.

2. Sanjit Kumar Sah @ Sanjit Kumar Sahu Son of Sri Baiju Sah, resident of Village- Bajitpur, Police Station- Manigachhi, District- Darbhanga.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Banwari Sharma, Advocate
Mr. Shiv Kumar, Advocate

For the Opposite Party/s : Mr. Md. Arif, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 16-03-2016

Heard the parties.

The petitioners apprehend their arrest in a criminal prosecution registered under Sections 307, 384, 386/34 and some other allied offences under the Indian Penal Code.

Taking into consideration the fact that the petitioner no.1 Vijay Kumar Yadav alias Vijay Kumar is specifically named in the first information report vide Annexure-1 as an accused and he is alleged to have assaulted by hockey stick on different parts of the body of the informant, this Court is not inclined to accede to the prayer made on behalf of the petitioner no.1 for grant of anticipatory bail. Accordingly, his prayer for anticipatory bail in connection with Manigachhi (Bajitpur .O.P.) P.S.Case 257 of 2015 pending in the court of the learned Chief Judicial Magistrate, Darbhanga is rejected.

However, if the petitioner No.1 surrenders in the court below within a period of four weeks from today and applies for regular bail, then the same shall be considered and decided on its own merits without being prejudiced by the present order.

So far petitioner no.2 Sanjit Kumar Sah alias Sanjit Kumar Sahu is concerned, in view of nature of allegation against him as disclosed in the first information report vide Annexure-1 and also taking into consideration the fact that the allegation against him appears to be general and omnibus in nature, this Court is inclined to accede to the prayer made on his behalf for grant of anticipatory bail.

In the event of arrest or surrender in the court below within a period of four weeks from today, let petitioner no.2 Sanjit Kumar Sah alias Sanjit Kumar Sahu be released on bail on furnishing bail bond of Rs.25,000/-(Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Darbhanga in connection with Manigachhi (Bajitpur O.P.) P.S.Case No. 257 of 2015. subject to conditions laid down under Section 438 (2) of the 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 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, 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 petitioner fails to make pairvi, then the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Prasad Verma, J)

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