

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11921 of 2016

Arising Out of PS.Case No. -499 Year- 2014 Thana -HAJIPUR SADAR District-
VAISHALI(HAJIPUR)

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1. Subhash Kumar, son of Ramesh Singh
2. Babul Kumar, son of Umesh Singh
Both residents of village - Saidpur Rajauli, P.S. - Sadar Hajipur, District -
Vaishali.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anish Chandra, Adv.

For the Opposite Party/s : Mr. S.M.Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 28-03-2016

Heard.

The petitioners apprehend their arrest in a criminal prosecution registered under Sections 363, 365 and 511/34 of the Indian Penal Code.

Though the petitioners, besides others, are named in the FIR vide Annexure-1 as accused persons, but taking into consideration the fact that the FIR was lodged after four days of delay and further taking into consideration the fact that the offence of kidnapping was not complete and merely an attempt was made for kidnapping the minor son of the informant and also taking into consideration the fact that the petitioners' involvement has been transpired on the basis of an extra-judicial confession made by the co-accused Sonu Mahto, this Court is inclined to accede to the prayer made on behalf of the petitioners for grant of anticipatory bail. Accordingly, their prayer for grant of anticipatory bail is allowed.

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 bond of Rs. 25,000/- each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate/concerned court, Vaishali at Hajipur in connection with Sadar Hajipur P.S. Case No. 499 of 2014, subject to the condition as laid down under Section 438(2) of the Cr.P.C. and subject to further conditions that:

(A) One of the bailors must be government servant or close family members 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;

(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 date, 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.

Arvind/-

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(Birendra Prasad Verma, J)