

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11620 of 2016

Arising Out of PS.Case No. -200 Year- 2015 Thana -BHANGWANPUR HAT District- SIWAN

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Amanul Haque @ Amamul Haque son of Wazir Haque, resident of Village :
Rampur Darzee Tola, P.S. Bhagwanpur Hat, District: Siwan

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Ambika Bhagat, Spl.APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 16-03-2016

Heard the parties.

The petitioner apprehends his arrest in a criminal prosecution registered under Sections 307, 354, 379, 504, 506 and some other allied offences under the Indian Penal Code as also under Section 3 (i) (x) of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Though, the petitioner is named in the first information report vide Annexure-1 as an accused, but the allegation against him appears to be general and omnibus in nature and the allegation of assault is against co-accused Longi Ali alias Longi Mian. So far this petitioner is concerned, he is merely alleged to have called the informant and others by their caste name.

Be that as it may, taking into consideration the factual matrix of the present case as also taking into consideration the ratio laid down by this Court in the case of **Sajjo Vs.State of Bihar [2010 (2) PLJR 690]**, this Court is inclined to accede to the prayer made on behalf of the petitioner 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 the above named petitioner 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 Additional Chief Judicial Magistrate X, Siwan, in connection with Bhagwanpur Halt P.S.Case No. 200 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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