

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13542 of 2016

Arising Out of PS.Case No. -89 Year- 2015 Thana -DIGHA District- PATNA

1. Ram Balak Rai, aged about 50 years, S/o- Anirudh Rai, R/v- Digha ghat, Amrudi Bagicha, P.S.- Digha, Distt.- Patna.

2. Madan Prasad, aged about 50 years, S/o Late Ram Prasad, R/v- East Boring Canal Road, P.S.- Budha Colony, Distt.- Patna.

3. Manish Kumar, aged about 25 years, S/o- Sri Madan Prasad, R/v- East Boring Canal Road, P.S.- Budha Colony, Distt.- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Roy 1, APP

For the informant : Mr. Arvind Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 02-05-2016

Heard the parties.

The petitioners apprehend their arrest in a criminal prosecution registered under Sections 465, 467, 468, 379 and some other allied offences under the Indian Penal Code.

Though, all the three petitioners, besides others, are named in the first Information Report vide Ananexure-1 as accused, but taking into consideration the fact that the petitioner no.1 claims to be a bona fide purchaser of a plot of land from the previous Secretary of the Co-operative Society in question and petitioner no.2 claims to be holder of power of attorney and petitioner no.3 merely happens to be the son of petitioner no.2 but no specific role has been assigned against him in the commission of crime in question, and further taking consideration the fact that the entire prosecution case is with respect to certain transaction of land, this Court is inclined to accede to the prayer made on behalf of the petitioners 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 three petitioners be released on bail on furnishing bail bonds of Rs.25,000/-(Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of Md.Inam Khan, the learned Judicial Magistrate, 1st Class, Patna in connection with Digha P.S.Case No. 89 of 2015, subject to the conditions laid down under Section 438 (2) of the Cr.P.C. and subject to the further conditions that :

(A) one of the bailors of each petitioners must be a government servant or close family member of the petitioners who will file an affidavit in the court below showing their 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, and

(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 dates, and if on two consecutive dates petitioners fail to make pairvi, then the court below shall be at liberty to cancel the bail bonds of the petitioners.

(Birendra Prasad Verma, J)

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