

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13407 of 2016

Arising Out of PS.Case No. -174 Year- 2015 Thana -MANIHARI District- KATIHAR

- =====
1. Sakaldeep Mandal @ Sakkal Mandal son of Late Sukhdeo Mandal
 2. Kailash Mandal son of Sakaldeep Mandal @ Sakkal Mandal
 3. Subol Mandal son of Thithar Mandal, all are resident of Kari Koshi Das, Seize No. 8, P.S. Manihari, District- Katihar.
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.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Das

For the Opposite Party/s : Mr. Ashok Kumar Singh(APP)

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 01-04-2016

Heard the parties.

The petitioners apprehend their arrest in a criminal prosecution registered under Section 307/34 and some other allied offences under the Indian Penal Code including the offence under Section 406 of the Indian Penal Code.

Though, the petitioners, besides others, are named in the F.I.R, vide Annexure-1, as accused, but taking into consideration the fact that there appears to be case and counter-case, vide Annexure-1 and 4 respectively, from both sides and further taking into consideration the fact that both sides are said to have sustained injuries and also taking into consideration that the injury reports of the injured persons create some doubt about the manner of occurrence, as alleged in the F.I.R. vide Annexure-1, this Court is inclined to accede to the prayer made on behalf of the petitioners for grant of anticipatory bail.

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-bonds of

Rs. 25,000/- each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate- 1st Class, Katihar, in connection with Manihari P.S. Case No. 174 of 2015, subject to the conditions laid down under Section 438(2) 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 petitioners, who will file an affidavit in the Court below showing his 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 the 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 an 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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