

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13545 of 2016

Arising Out of PS.Case No. -273 Year- 2015 Thana -BATHNAHA District- SITAMARHI

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1. Pramod Ram, Son of Prabhu Ram
2. Jagannath Ram, Son of Moti Ram,
Both Resident of Village and P.O. Kamaldah, P.S. Bathnaha, District-
Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Adv.

For the Opposite Party/s : Mr. (Dr.) Rabindra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 12-04-2016

Heard.

The petitioners apprehend their arrest in a criminal prosecution registered under Sections 380, 354, 384, 452 and some other allied offences under the Indian Penal Code.

Taking into consideration the fact that the petitioner no.2 is specifically named in the FIR vide Annexure-1 as an accused and also taking into consideration the fact that there is specific allegation against him of committing the offence under Section 354 of the Indian Penal Code making the informant naked, this Court is not inclined to accede to the prayer made on his behalf for grant of anticipatory bail. Accordingly, his prayer for grant of anticipatory bail in connection with Bathnaha P.S. Case No.273 of 2015 pending in the court of learned Chief Judicial Magistrate, Sitamarhi is rejected.

However, if he 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.1 Pramod Ram is concerned, though he is also named in the FIR vide Annexure-1 as an accused, but taking into consideration the fact that the allegation against him appears to be general and omnibus in nature and also taking into consideration the fact that he is said to be the first offender, this Court is inclined to accede to the prayer made on his behalf for grant of anticipatory bail. Accordingly, his prayer for grant of anticipatory bail is allowed.

In the event of his arrest or surrender in the court below within a period of four weeks from today, let the above named petitioner be enlarged on bail on furnishing bail bond of Rs. 25,000/- with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Bathnaha P.S. Case No.273 of 2015, 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 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;

(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 date, 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)

Arvind/-

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