

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13560 of 2016

Arising Out of PS.Case No. -308 Year- 2015 Thana -SUGAULI District-
EASTCHAMPARAN(MOTIHARI)

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Sheikh Sarfaraz @ Sheikh Sarfaraz Alam @ Sarfaraz Alam son of Sheikh
Maqbool, resident of Village- Amir Khan tola, PS Sugauli, District East
Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 02-05-2016

Heard the parties.

The petitioner apprehends his arrest in a criminal prosecution registered under Section 304/34 of the Indian Penal Code.

Though, the petitioner, besides one another, is named in the first Information Report vide Annexure-1 as an accused, but taking into consideration the fact that there appears to be a case and counter case vide Annexures 1 and 2 respectively and also taking into consideration the submission made by the learned counsel for the petitioner that the death of the deceased had taken place on account of electrocution while taking illegal electric connection by the deceased and further taking into consideration the fact that the petitioner happens to be the first offender, this Court is inclined to accede to the prayer made on behalf of the petitioner for grant of anticipatory bail.

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 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 Chief Judicial Magistrate, East Champaran, Moitihari in connection with Sugauli P.S.Case No. 308 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 must be a government servant or a 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 an 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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