

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13498 of 2016

Arising Out of PS.Case No. -259 Year- 2015 Thana -PHULPARAS District- MADHUBANI

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Ramesh Paswan @ Ramesh Kumar Paswan Son of Late Nand Lal Paswan,
resident of Village- Bairyahi, P.S. Laukahi, District- Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Opposite Party/s : Mr. Manoj Kumar 1(APP)

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 08-04-2016

Heard the parties.

The petitioner apprehends his arrest in a criminal prosecution registered under Sections 302, 120(B), 201 and 379 of the Indian Penal Code.

Though, the petitioner is named in the F.I.R, vide Annexure-1, as an accused, but taking into consideration the fact that the entire criminal prosecution is based on suspicion and surmises and also taking into consideration the fact that the informant does not claim to be the eye witness of the said occurrence and further taking into consideration the fact that the petitioner is said to be the first offender, as has been asserted in paragraph-3 of the anticipatory bail application, this Court is inclined to accede to the prayer made on behalf of the petitioner for grant of anticipatory bail subject to verification of his criminal antecedent.

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-bonds of Rs. 25,000/- with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Jhanjharpur, Madhubani, in connection with Phulpras P.S.Case

No. 259 of 2015, dated 13.09.2015, 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 petitioner, who will file an affidavit in the Court below showing his 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 the 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 bonds of the petitioner.

It is clarified that if on verification, the learned Magistrate comes to a finding that the petitioner is accused in any other criminal case excepting the present one, then he shall cancel his bail bonds and shall take him into custody and shall remand him to jail, whereafter the petitioner shall be at liberty to apply for regular bail, which shall be considered in accordance with law.

(Birendra Prasad Verma, J)

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