

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43240 of 2015

Arising Out of PS.Case No. -80 Year- 2013 Thana -GANGABRIDGE District-
VAISHALI(HAJIPUR)

1. Nanda Ray
2. Binod Rai
Both sons of Shatrughan Ray, resident of village- Terasiya, P.S.- Ganga
Bridge, District- Vaishali.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Anish Chandra, Advocate
For the Opposite Party/s : Mr. Ajay Kumar 2, APP

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

7 29-02-2016 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in a case registered
for offences punishable under Sections 379 and 411 of the Indian
Penal Code.

It is contended on behalf of petitioners that as per
allegation an information was received by the police that 15
persons were engaged in theft of copper wire near pillar no. 8 of
Ganga Bridge. The police party came to the site but all the persons
fled away.

It is contended that there is no eye witness to the
aforesaid act and the petitioners have been named only due to the
reason that another case of similar nature was lodged against



them in the same year 2013, i.e., Ganga Bridge P.S. Case No. 70 of 2013 and the present case was lodged thereafter being Ganga Bridge P.S. case No. 80 of 2013. It is submitted that petitioners have been granted anticipatory bail in the aforesaid earlier case. It is further contended that it is intriguing that none of the 15 persons could be apprehended on spot by the raiding party and there is no eye witness also. It is also contended that petitioners were neither apprehended on the spot nor has anything been recovered from them.

Having regard to the facts and circumstances of the case, let the petitioners, namely, Nanda Ray and Binod Rai be released on bail in the event of arrest/surrender before the court below within a period of six weeks from today in Ganga Bridge P.S. Case No. 80 of 2013, on furnishing bail bond of Rs.10,000 (Ten Thousand Rupees) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Vaishali at Hajipur subject to the conditions as laid down under sub-section(2) of Section 438 of the Code of Criminal Procedure with a further condition that one of the bailors of the petitioners must be a close relative or family member of the petitioners who shall file affidavit before the concerned court giving complete genealogy to show their relationship with them.

However, in view of their criminal antecedents of the petitioners, they would be required to appear before the Superintendent of Police, Vaishali at Hajipur within fifteen days of their release with a copy of this order and every two weeks thereafter for the next six months. The conduct of the petitioners will be kept under watch during the aforesaid period by the Superintendent of Police concerned and if it is found wanting in any respect, a report shall be made to the court concerned by him to initiate a proceeding for cancellation of bail for reasons of misuse of bail. After reporting to the Superintendent of Police, a certificate will be filed by the petitioners before the court concerned which should be granted by the Superintendent of Police upon their appearance.

(Dr. Ravi Ranjan, J)

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