

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46881 of 2015

Arising Out of PS.Case No. -52 Year- 2015 Thana -HATHAURI District- SAMASTIPUR

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Rabindra Mandal, Son of Jibu Mandal, resident of Village- Shivram, P.S.-
Shivaji Nagar, (O.P. Hathauri), District- Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amitabh Bhardwaj, Advocate

For the Opposite Party/s : Mr. Aditya Nr. Singh-1, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 12-02-2016

Heard the parties.

The petitioner apprehend his arrest in a criminal prosecution registered under Sections 272 and 273 of the Indian Penal Code as also under Section 47 (a) of Bihar Excise Act, 1915.

Though, there is allegation of recovery of 54 plastic bottles of country liquor, each containing 400 ml., but taking into consideration the fact that the petitioner is the first offender and no other case is pending against him, as per submission of the learned counsel for the petitioner, this Court is inclined to accede to the prayer made on behalf of the petitioner for grant of anticipatory bail.

In the event of 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 Sri D.Srivastava, the learned Judicial Magistrate, Ist Class, Rosera, Samastipur in connection with Hathauri (Shivaji Nagar O.P.) P.S.Case No. 52 of

2015. subject to 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 government servant or 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 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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