

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47775 of 2015

Arising Out of PS.Case No. -46 Year- 2014 Thana -HARIZAN District- BEGUSARAI

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1. Punita Devi wife of Bijay Sah
2. Bijay Sah son of Late Raghunandan Sah, both resident of Village-
Bajalpura, P.S. Teghra, District- Begusarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Randhir Kumar No-1, Advocate

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 29-01-2016

Heard learned counsel for the petitioners. However, none appears on behalf of the State of Bihar, though the name of the learned Spl. P.P. is printed in the daily cause list.

The petitioners, who are wife and husband respectively, apprehend their arrest in a criminal prosecution registered under Sections 341, 323, 504, 354 and 379/34 of the Indian Penal Code as also under Sections 3 (i) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Taking into consideration the fact that, during course of investigation, part of the prosecution allegation was not found supported and further taking into consideration the fact that the entire occurrence has taken place on account of bona fide land dispute between the parties and also taking into consideration the fact that Title Suit No. 239 of 2014 is pending between the parties, the prayer for anticipatory bail made on behalf of the petitioners is allowed.

Let the petitioners namely, Punita Devi and Bijay Sah,

in the event of their arrest or surrender in the court below within a period of four weeks from today, be enlarged on bail on furnishing bail bonds of Rs.25,000/-(Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai in connection with SC/ST P.S.Case No. 46 of 2014, 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 government servant or close family member of the petitioners who will file an affidavit in the court below showing their relationship with the petitioners,

(B) if the petitioners are 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 petitioners, 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 petitioners shall make regular pairvi in the court below in the present case either by appearing themselves in person or through representation by their lawyer on each and every dates, and if on two consecutive dates petitioners fail to make pairvi, then the court below shall be at liberty to cancel the bail bonds of the petitioners.

(Birendra Prasad Verma, J)

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