

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48216 of 2015

Arising Out of PS.Case No. -1 Year- 2014 Thana -DANIYAWA District- PATNA

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Narsing Paswan Son of late Babu Lal Paswan, Resident of village- Salarpur,
P.S.- Daniyawar, District- Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 29-01-2016 Heard the parties.

The petitioner apprehends his arrest in a criminal prosecution registered under Section 302/34 of the Indian Penal Code as also under Section 27 of the Arms Act.

Though, the petitioner is named in the F.I.R, vide Annexure-1, as an accused and allegation against him is general and omnibus in nature, but taking into consideration the fact that on close of investigation police submitted charge sheet against other accused persons, but the petitioner was not charge-sheeted and the allegation against him was found to be false, which is evident from Annexure-2, yet the learned Magistrate has differed with the police report and has taken cognizance against the petitioner also, besides others, the prayer for anticipatory bail made on behalf of the petitioner is allowed.

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 Judicial Magistrate, 1st Clas, Patna City, in connection with Daniyawa P.S.Case No. 01 of 2014, 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.

(Birendra Prasad Verma, J)

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