

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48235 of 2015

Arising Out of PS.Case No. -255 Year- 2014 Thana -CHIRAIYA District-
EASTCHAMPARAN(MOTIHARI)

=====

Kailash Rai S/o Late Ramswaroop Rai of vill.- Belaghat, P.S.- Shikarganj,
District- East Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sangeet Deokuliar

For the Opposite Party/s : Mr. Umanath Mishra, 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 Sections 307, 379 and some other allied offences under the Indian Penal Code.

Though, the petitioner is named in the F.I.R, vide Annexure-1, as an accused and he is alleged to have assaulted the informant by 'Fatha', but taking into consideration the fact that the petitioner had not used any lethal weapon and further taking into consideration the fact that though, the petitioner and several other co-accused persons are alleged to have assaulted the informant, but no corresponding injuries were found on the person of the informant, this Court is inclined to accede to the prayer made on behalf of the petitioner for grant of anticipatory bail.

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,

Sikarahana, Motihari, East Champaran, in connection with Chiraiya P.S.Case No. 255 of 2014, G.R. No. 1667 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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