

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11624 of 2016

Arising Out of PS.Case No. -161 Year- 2015 Thana -SANGRAMPUR District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Brij Kishore Prasad son of Late Sarju Prasad
 2. Nitesh Prasad alias Nitesh Kumar S/o Brij Kishore Prasad
 3. Mira Devi wife of Brij Kishore Prasad
- All resident of Village- Sangrampur Jalaha, P.S.- Sangrampur,
District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Karandeep Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kr.Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 16-03-2016

Heard the parties.

The petitioners apprehend their arrest in a criminal prosecution registered under Sections 379, 307/34 and some other allied offences under the Indian Penal Code.

Taking into consideration the fact that there is case and counter case from both sides vide Annexures- 1 and 2 respectively and there has been inordinate delay of more than ten days in lodging the first information report Annexure-1 and further taking into consideration the fact that the allegation against the petitioners is general in nature, this Court is inclined to accede to the prayer made on behalf of the petitioners 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 three petitioners be released 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, East Champaran, Motihari in connection with Sangrampur P.S.Case No. 161 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 each of the petitioners who will file affidavits in the court below showing their relationships 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 persons 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 bond of the petitioners.

(Birendra Prasad Verma, J)

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