

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13470 of 2016

Arising Out of PS.Case No. -38 Year- 2015 Thana -KADIRGANJ District- PATNA

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1. Akhilesh Bind, S/O Late Brij Bind
2. Umesh Bind @ Ganesh Kumar S/O Lal Das Bind
both are resident of Village- Pakaura, Beldari Tola
P.S.- Kadirganj, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lallu Prasad, Advocate

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 08-04-2016

Heard the parties.

The petitioners apprehend their arrest in a criminal prosecution registered under Section 302/149 and some other allied offences under the Indian Penal Code.

Though, the petitioners, besides others, are named in the first Information Report vide Annexure-1 as accused, but taking into consideration the fact that the entire criminal prosecution is based on surmises and conjecture and nobody claims to be the eye witness of the alleged occurrence and further taking into consideration the fact that both sides are on inimical terms from before, this Court is inclined to accede to the prayer made on behalf of the petitioners for grant of anticipatory bail.

In the event of their arrest or surrender in the court below within a period of four weeks from today, let the above named two 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 Sri Hare Ram, Judicial Magistrate, 1st Class, Masaurhi, Patna in connection

with Kadirganj P.S.Case No. 38 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 of each petitioners must be government servant or close family member of the petitioners who will file an affidavit in the court below showing his/her 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 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 bonds of the petitioners.

(Birendra Prasad Verma, J)

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