

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13516 of 2016

Arising Out of PS.Case No. -3 Year- 2016 Thana -DURGAWATI District- BHABHUA (KAIMUR)

- =====
1. Hydayat Sah @ Hydayat Fakir @ Hadayat Sha @ H Adayat Fakir son of Late Abid Sah.
 2. Irfan Khan @ Pappu Khan son of Late Mahmud Khan.
 3. Gurfan Khan @ Sonu Khan son of Late Mahmud Khan
- All resident of Village Mansurpur, P.S. Durgawati District Kaimur at Bhabua.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Singh, Advocate

For the Opposite Party/s : Mrs. Renu Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 20-04-2016

Heard the parties.

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

Though, the petitioners are named in the first Information Report vide Annexure-1 as accused, but taking into consideration the fact that the entire occurrence has taken place on account of bona fide land dispute between the parties and further taking into consideration the fact that the allegations against the petitioners are omnibus and general in nature and also taking into consideration the fact that the petitioners are said to be the first offenders, 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 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, Kaimur at Bhabua in connection with Durgawati P.S.Case No. 3 of 2016, 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 of each petitioners must be a government servants or a close family members 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 an 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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