

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13518 of 2016

Arising Out of PS.Case No. -219 Year- 2015 Thana -BACHWARA District- BEGUSARAI

- =====
1. Santosh Singh @ Santosh Kumar Singh @ Banta, Son of Baijnath Singh @ Baiju Singh.
 2. Baij Nath Singh @ Baiju Singh, Son of Late Khub Lal Singh Both Residents of Village- Chamtha Barkhut, P.S.- Bachhawara, District- Begusarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam

For the Opposite Party/s : Mr. Aditya Nr.Singh 1(APP)

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 12-04-2016 Heard the parties.

These two petitioners apprehend their arrest in a criminal prosecution registered under Sections 407, 381/34 of the Indian Penal Code.

Taking into consideration the fact that the main allegation of taking away the vehicle in question, without consent of the informant, is against co-accused Anand Singh @ Nanda, who happens to be the son of the petitioner no.2, and further taking into consideration the fact that involvement of these two petitioners in the present case is being suspected merely on the ground that they happen to be full brother and father respectively of co-accused Anand Singh @ Nanda, and also taking into consideration the fact that the petitioners are said to be the first offenders, as has been asserted in paragraph-3 of the present anticipatory bail application, this Court is inclined to accede to the prayer made on behalf of the petitioners for grant of anticipatory bail subject to verification of their criminal antecedent.



In the event of their arrest or surrender in the Court below within a period of four weeks from today, let the above named petitioners be enlarged on bail on furnishing bail-bonds of Rs. 25,000/- each with two sureties of the like amount each to the satisfaction of Shri Pankaj Pandey, the learned Judicial Magistrate, 1st Class, Begusarai, in connection with Bachhawara P.S. Case No. 219 of 2015, dated 18.12.2015 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 petitioners, who will file an affidavit in the Court below showing his 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 the 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 person 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.

If on verification, the learned Magistrate comes to a conclusion that the petitioners are accused in any other criminal

case excepting the present one, then he shall cancel their bail bonds and shall take them into custody and shall remand them to jail, whereafter the petitioners shall be at liberty to apply for regular bail, which shall be considered in accordance with law.

(Birendra Prasad Verma, J)

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