

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48220 of 2015

Arising Out of PS.Case No. -123 Year- 2012 Thana -RUPASPUR District- PATNA

Kavita Kumari wife of Chandan Kumar, R/o Mohalla- New Railway Colony Near Sheo Mandir, P.S.- Khagaul, District- Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.49778 of 2015

Arising Out of PS.Case No. -123 Year- 2012 Thana -RUPASPUR District- PATNA

Rajesh Kumar Sahni Son of Prabhu Sahani, Resident of Mohalla-Pakadi, Lohia Nagar, P.S.-Kankarbagh, District-Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.48220 of 2015)

For the Petitioner/s : Mr. Ramchandra Sahni

For the Opposite Party/s : Mr. Navin Kr. Panday,APP

(In Cr.Misc. No.49778 of 2015)

For the Petitioner/s : Mr. Ramchandra Sahni

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

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 29-01-2016 Since both these applications arise out of the same police station case, therefore, with the consent of the parties, both of them have been heard together and are being disposed of by this common order.

The petitioners of both the applications apprehend their arrest in a criminal prosecution initially registered under Section 435/34 of the Indian Penal Code, which was subsequently corrected and registered for the offences under Sections 436 and 120B of the Indian Penal Code.

Taking into consideration the fact that the entire

occurrence appears to have taken place on account of a bonafide land dispute between the parties, and further taking into consideration the fact that the hut in question does not appear to be a dwelling house, which was subject matter of arson, this Court is inclined to accede to the prayer made on behalf of the petitioners for grant of anticipatory bail. Accordingly, prayer for anticipatory bail made on behalf of the petitioners is allowed.

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 of both the applications 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 the learned A.C.J.M., Danapur in connection with Rupaspur P.S. Case No. 123 of 2012, 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 members 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.

(Birendra Prasad Verma, J)

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