

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43201 of 2016

Arising Out of PS.Case No. -320 Year- 2014 Thana -BALIA District- BEGUSARAI

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Md. Shamshad Son of Md. Alam, Resident of Village- Chhoti Ballia, P.S
Ballia 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, Adv.

For the Opposite Party/s : Mr. S.M. Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 05-10-2016

Heard the parties.

The petitioner apprehends his arrest in a criminal prosecution registered under Sections 307, 353, 337 and some other allied offences under the Indian Penal Code as also under Section 3 of The Prevention of Damage to Public Property Act, 1984.

Though, the petitioner, besides others, is named in the F.I.R, vide Annexure-1, but taking into consideration the fact that the allegation against him appears to be general and omnibus in nature and also taking into consideration the fact that other F.I.R. named co-accused persons namely Md. Saifi @ Shahzaduzzama, Md. Salim and Md. Nepal, with almost identical allegation have been granted anticipatory bail by different benches of this Court, this Court is inclined to accede to the prayer made on behalf of the petitioner for grant of anticipatory bail.

In the event of his arrest or surrender in the Court below within a period of four weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bonds of Rs. 25,000/- with two sureties of the like amount each to the

satisfaction of the learned Chief Judicial Magistrate, Begusarai, in connection with Ballia P.S.Case No. 320 of 2014, dated 7.9.2014 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 petitioner, who will file an affidavit in the Court below showing his relationship with the petitioner,
- (B). if the petitioner is 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 bond of the petitioner, 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 petitioner shall make regular pairvi in the court below in the present case either by appearing himself in person or through representation by his lawyer on each and every dates, and if on two consecutive dates petitioner fails to make pairvi, then the court below shall be at liberty to cancel the bail bonds of the petitioner.

(Birendra Prasad Verma, J)

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