

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24113 of 2016

Arising Out of PS.Case No. -270 Year- 2015 Thana -KHAGARIA District- KHAGARIA

- =====
1. Rajo Sah son of Mahesh Sah, resident of Village- Hardash Chak, P.S. Muffasil, District- Khagaria.
 2. Hemant Sah son of Late Sitaram Sah, resident of Village- Gaurashakti, P.S. Muffasil District- Khagaria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bishweshwar Ram

For the Opposite Party/s : Mr. P.K.Panday(APP)

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 01-06-2016

Heard.

The petitioners seek bail in a criminal prosecution registered under Section 302/34 of the Indian Penal Code.

Taking into consideration the fact that the petitioners are not named in the F.I.R. vide Annexure-1, as accused, but their names have transpired during the course of investigation on the basis of further statement of the informant recorded after a considerably long period and as also on the basis of the alleged confession made by a co-accused before the police, and further taking into consideration the fact that they are said to be first offenders, this Court is inclined to accede to the prayer made on behalf of the petitioners for grant of bail.

Let the above named petitioners be released on bail on furnishing bail bond of Rs. 25,000/- each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Khagaria in connection with Khagaria (Muffasil) P.S. Case No. 270 of 2015 subject to 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/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 the bail-bond 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 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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