

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5313 of 2016

Arising Out of PS.Case No. -264 Year- 2015 Thana -RAXAUL District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Ravi Patel @ Ravi Kumar son of Ram Babu Patel
 2. Lal Deo Patel Son of Bhola Patel
 3. Dipak Patel son of Lal Deo Patel, all are resident of village- Sihorwa,
P.S. Raxaul, District- East Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shakil Ahmad Khan, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 12-02-2016

Heard the parties.

The petitioners apprehend their arrest in a criminal prosecution registered under Sections 354, 279 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 is said to have taken place on account of death of a she goat due to rash driving of tractor and further taking into consideration the fact that the petitioners are the first offenders and no other criminal case, except the present one, is pending against them, as submitted by the learned counsel for the petitioners, this Court is inclined to accede to the prayer made on behalf of the petitioners for grant of anticipatory bail.

In the event of 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 Sub Divisional Judicial Magistrate, Raxaul at Motihari, East Champaran in connection with Raxaul P.S.Case No. 264 of 2015. subject to conditions laid down under Section 438 (2) of the 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 their 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 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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