

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13392 of 2016

Arising Out of PS.Case No. -13 Year- 2016 Thana -EKANGARSARAI District- NALANDA
(BIHARSHARIFF)

1. Kunal Chaudhary S/O Shyamdev Choudhary, resident of village Bhandra Pokhar, P.S.Ekangarsarai, District Nalanda
2. Sita Devi W/O Kunal Chaudhary, resident of village Bhandra Pokhar, P.S.Ekangarsarai, District Nalanda

... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Siddhartha Prasad, Advdocate

For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 01-04-2016

Heard the parties.

The petitioners apprehend their arrest in a criminal prosecution registered under Sections 302 and 201/34 of 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 petitioner no.1 happens to be elder brother of the husband of the deceased and the petitioner no.2 happens to be his wife and further taking into consideration the fact that the main culprit Gunjan Chaudhary, husband of the deceased, is already behind bars as has been stated in paragraph 11 of the bail application and also taking into consideration the fact that they are said to be the first offenders, 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 two

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 Chief Judicial Magistrate, Nalanda in connection with Ekangarsarai P.S.Case No. 13 of 2016, 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 of each petitioners must be government servants 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 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 himself in persons 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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