

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.13602 of 2016

Arising Out of PS.Case No. -431 Year- 2015 Thana -BEGUSARAI MUFFASIL District-
BEGUSARAI

- =====
1. Pankaj Paswan Son of Prabhu Paswan,
 2. Vijay Paswan, son of Prabhu Paswan
 3. Pramod Paswan, son of Sita Ram Paswan
 4. Amir Paswan, son of Jagdish Paswan
 5. Rajeev Paswan, son of Indradeo Paswan,

All Residents of village- Sankh Navtoliya, P.S.- Muffasil, 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

For the Opposite Party/s : Dr. Rabindra Kumar, APP

For the Informant : Mr. Ashok Kumar

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 16-05-2016

Heard the learned counsel appearing on behalf of the petitioners and the learned Additional Public Prosecutor appearing on behalf of the State as also the learned counsel appearing on behalf of the informant.

The petitioners, five in number, apprehend their arrest in a criminal prosecution registered under Sections 379, 385, 386 and some other allied offences under the Indian Penal Code.

Though, the petitioners, besides others, are named in the F.I.R, vide Annexure-1, as accused, but taking into consideration the fact that both sides appear to be on litigating term on account of certain land dispute and also taking into consideration the fact that from both sides cases have been lodged vide Annexure-1 as also Annexure-A respectively, which has been brought on the record alongwith the supplementary affidavit filed today, and further taking into consideration that the petitioners 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 their arrest or surrender in the Court below within a period of four weeks from today, let the above named petitioners 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 Chief Judicial Magistrate, Begusarai, in connection with Begusarai Muffasil P.S. Case No. 431 of 2015 dated 30.10.2015, 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 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 bonds 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.

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(Birendra Prasad Verma, J)