

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21168 of 2016

Arising Out of PS.Case No. -254 Year- 2015 Thana -JAGDIHSPUR District- BHOJPUR

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Ajay Kumar son of Shambhu Sharan Singh, resident of village- Morcha,
P.S.- Jagdishpur, District- Bhojpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Sriwastawa, Advocate

For the Opposite Party/s : Mr. P.K.Jha, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 20-05-2016

Heard the parties.

The petitioner apprehends his arrest in a criminal prosecution registered under Sections 467, 468, 471, 420 and 406/34 of the Indian Penal Code.

Though, the petitioner, besides others, is named in the first Information Report vide Annexure-1 as an accused, but taking into consideration the fact that the aforesaid FIR is based on a complaint petition filed by the complainant-informant and also taking into consideration that the dispute between the parties prima facie appears to be of civil nature and further taking into consideration that the petitioner is said to be the first offender as is asserted in paragraph 3 of the present anticipatory bail application, 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 released on bail on furnishing bail bond of Rs.25,000/-(Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional

Chief Judicial Magistrate II, Bhojpur at Ara in connection with Jagdishpur P.S.Case No. 254 of 2015, subject to the 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 a government servant or a close family member of the petitioner, who will file an affidavit in the court below showing his/her 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 bail 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 bond of the petitioner.

(Birendra Prasad Verma, J)

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