

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48051 of 2015

Arising Out of PS.Case No. -31 Year- 2015 Thana -ISUAPUR District- SARAN

1. Raghunath Rai, Son of Bachcha Rai,
2. Pintu Rai, Son of Sri Raghunath Rai,
Both Residents of Village - Hankarpur, Police Station - Esuapur, District -
Saran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar Shrivastava, Adv.
Mr.Raj Shekhar, Adv.

For the Opposite Party/s : Mrs. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 29-01-2016

Heard.

The petitioners apprehend their arrest in a criminal prosecution registered under Sections 307/149 and some other allied offences under the Indian Penal Code.

Taking into consideration the fact that there is a case and counter case between the parties vide Annexure-1 and 2 respectively and further taking into consideration the fact that, as per the prosecution case, the petitioner no.1 is the order-giver and the petitioner no.2 is simply a member of the mob, and specific allegation of assault is against co-accused Tarkeshwar Rai and co-accused Harendra Rai, this Court is inclined to accede to the prayer for anticipatory bail made on behalf of the petitioners. Accordingly, their prayer for anticipatory bail is allowed.

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 bond of

Rs. 25,000/- each with two sureties of the like amount each to the satisfaction of learned C.J.M., Saran in connection with Esuapur P.S. Case No. 31 of 2015, subject to the condition as laid down under Section 438(2) of the Cr.P.C. and subject to further 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 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;

(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 date, and if on two consecutive dates petitioners fail to make pairvi, then the court below shall be at liberty to cancel the bail bond of the petitioners.

(Birendra Prasad Verma, J)

Arvind/-

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