

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22296 of 2016

Arising Out of PS.Case No. -74 Year- 2015 Thana -CHANPATIA District-
WESTCHAMPARAN(BETTIAH)

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1. Nawlakh Giri Son of late Munshi Giri
2. Bidesh Giri Son of late Munshi Giri, Both are resident of Villge- Parsa,
Giri tola, PS Sirisia, District West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ambika Bhagat, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

2 20-05-2016

Heard learned counsel for the petitioners and the State.

The petitioners are apprehending their arrest in Chanpatia (Sirisia O.P.) P.S. case No.74 of 2015 registered under Sections 147, 148, 149, 341, 323, 324, 307, 302 of the Indian Penal Code and 3(II)(V) of the SC & ST Act, pending before the court of Chief Judicial Magistrate, West Champaran, Bettiah.

Considering that the Petitioner No.1 has criminal antecedents, I am not inclined to extend the privilege of anticipatory bail to the petitioner No.1.

His prayer for anticipatory bail is rejected.

However, considering the nature of allegations against the Petitioner No.2 and has fair antecedents, let the petitioner No.2



above named be released on anticipatory bail in the event of arrest or surrender before the learned court below within a period of six weeks from today in connection with Chanpatia (Sirisia O.P.) P.S. case No.74 of 2015 on furnishing bail bonds of Rs.5,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, West Champaran, Bettiah, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as also conditions (i) That one of the bailor will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will undertake to furnish information to the Court about any change in address of the petitioner. (ii) That the affidavit shall clearly state that the petitioner is not an accused in any other case and if he is he shall not be released on bail, (iii) That the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, (iv) That the petitioner will give an undertaking that he will receive the police papers on the given date and be present on date fixed for charge and if he fails to do so on two given dates and delays the trial in any

manner, his bail will be liable to be cancelled for reasons of misuse, (v) That the petitioner will be well represented on each date if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Anjana Prakash, J)

Narendra/-

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