

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24155 of 2016

Arising Out of PS.Case No. -29 Year- 2016 Thana -OBRA District- AURANGABAD

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Gandhi Chaudhary, S/O Mahenddra Chaudhary, Resident of Village-
Amiyawar, P.S.-Nasriganj, District-Rohtas.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr.Adv.
Mr. Bhaskar Shankar, Adv.

For the Opposite Party/s : Mr. Amit Kr.Rakesh, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 02-06-2016 When the matter has been taken up for consideration, a supplementary affidavit is being filed on behalf of the petitioner, which is taken on the record.

The petitioner seeks bail in a criminal prosecution registered under Section 392 of the Indian Penal Code.

Learned senior counsel appearing on behalf of the petitioner submits that the petitioner is not named in the FIR vide Annexure-1 as an accused and no incriminating article has been recovered either from his house or from his possession. He further submits that the petitioner has not been put on T.I. Parade till date. It is next contended that only material against the petitioner is that he has been named by a co-accused Jitendra Prasad in his alleged confessional statement recorded by the police, but the aforesaid co-accused Jitendra Prasad has already been granted bail by a co-ordinate Bench of this Court by an order dated 20.05.2016 passed in Cr.Misc.No.22130 of 2016 (Annexure-2 to the supplementary affidavit).

Learned Addl. P. P. appearing on behalf of the State, though has opposed the prayer for bail, but has not been able to

dispute the aforesaid submissions.

Be that as it may, in the facts and circumstances of the present case, let the petitioner above named be released on bail on furnishing bail bond of Rs.25,000/- with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Daudnagar, District-Aurangabad in connection with Obra P.S. Case No.29 of 2016, subject to the conditions that:

- (A) One of the bailors must be government servant or close family members 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 opportunity of hearing to all concerned;
- (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 date, 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.

Arvind/-

(Birendra Prasad Verma, J)

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