

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48034 of 2015

Arising Out of PS.Case No. -36 Year- 2015 Thana -ROH District- NAWADA

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1. Smt. Girija Devi @ Girija Devi, Wife of Baldeo Yadav,
2. Sharwan Kumar @ Sharvan Kumar, Son of Baldeo Yadav,
Both are resident of village - Monio Chak, P.S. - Roh, District - Nawada.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Lakeshwar Pandit, Son of Chhatan Pandit, Resident of Village -
Musepur, P.S. - Roh, District - Nawada.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad
For the Opposite Party no.1 : Mr. M.Dayal, APP

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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 420, 467, 468, 307 and 504 of the Indian Penal Code.

Though the petitioners are named in the FIR vide Annexure-1 as accused persons, but taking into consideration the fact that the entire criminal case is based on account of land dispute between the parties and further taking into consideration the fact that the informant did not sustain any specific injury on his person, as fairly conceded by the learned Addl.P.P. on going through the case diary, 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., Nawada in connection with Roh P.S. Case No. 36 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.

Arvind/-

(Birendra Prasad Verma, J)

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