

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48016 of 2015

Arising Out of PS.Case No. -138 Year- 2015 Thana -KOTWALI District- MUNGER

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Pitambar Mishra son of Ramakant Mishra, resident of Village - Sherpur,
P.S. - Kotwali, District -Munger.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur, Advocate

For the Opposite Party/s : Mr. Satyavrat Verma, APP

For the informant : Mr. Dharendra Nath Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 05-02-2016

Heard the parties.

The petitioner apprehends his arrest in a criminal prosecution registered under Sections 307, 324 and some other allied and minor offences under the Indian Penal Code.

Taking into consideration the fact that there is case and counter case from both sides, vide Annexures 1 and 2, and further taking into consideration the fact that though the petitioner was allegedly armed with fire arm and allegedly assaulted the informant by the butt of the fire arm and not used that fire arm for causing some fatal injury to the informant and also taking into consideration the fact that the petitioner has fair antecedent, this Court is inclined to accede to the prayer made on behalf of the petitioners for grant of anticipatory bail.

In the event of arrest or surrender in the court below within a period of four weeks from today, let the above named petitioner Pitambar Mishra 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

Chief Judicial Magistrate, Munger in connection with Kotwali P.S.Case No. 138 of 2015. subject to 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 government servant or 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 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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