

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13396 of 2016

Arising Out of PS.Case No. -40 Year- 2014 Thana -ANGARGHAT District- SAMASTIPUR

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Pankaj Rai son of Shankar Rai, resident of Village - Chaita Tola, Dakhsini Lilzi, P.S. - Angarghat, District - Samastipur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amitabh Bhardwaj , Advocate

For the Opposite Party/s : Mr. Arun Kumar Singh-5, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 05-04-2016

Heard the parties.

The petitioner apprehends his arrest in a criminal prosecution registered under Sections 307, 302 and some other allied offences under the Indian Penal Code.

Though, the petitioner, besides others, is named in the first information report vide Annexure-1 as an accused, but taking into consideration the fact that there appears to be a case and counter case from both sides vide Annexures- 1 and 2 respectively and also taking into consideration the fact that the specific allegation of assault by sharp cutting weapon is only against co-accused Shankar Rai and not against the petitioner and the allegation against him appears to be general and omnibus in nature and further taking into consideration the fact that he is said to be the first offender, as submitted by the learned for the petitioner, this Court is inclined to accede to the prayer made on behalf of the petitioner for grant of anticipatory bail.

In the event of his arrest or surrender in the court below within a period of four weeks from today, let the above named petitioner 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 Judicial Magistrate, Ist Class, Dalsingsarai, Samastipur in connection with Angarghat P.S.Case No. 40 of 2014. 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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