

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11647 of 2016

Arising Out of PS.Case No. -2321 Year- 2013 Thana -VAISALI COMPLAINT CASE District-
VAISHALI(HAJIPUR)

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Pramod Kumar Swarn, Son of Late Bhankhar Sah, Resident of Village-
Panapur, P.S.- Mahnar, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar
2. Baidhnath Rai S/o Late Hriday Rai, R/o Village- Panapur, P.S.- Mahnar,
District- Vaishali.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashutosh Singh

For the Opposite Party/s : Mr. R.S.Choudhary (APP)

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 16-03-2016 Heard the parties.

The petitioner apprehends his arrest in a criminal prosecution, based on a complaint petition, for offences under Sections 406, 323 and 379 of the Indian Penal Code.

Taking into consideration the fact that there appears to some dispute between the parties regarding transaction of certain amount of money, which is yet to be established and further taking into consideration the fact that the petitioner is said to be the first offender and no other criminal case is pending against him, as has been submitted by the learned counsel appearing on behalf of 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 enlarged on bail on furnishing bail-bonds of Rs. 25,000/- with two sureties of the like amount each to the

satisfaction of the learned Judicial Magistrate, 1st Class, Vaishali, at Hajipur in connection with Complaint Case No. 2321 of 2013, Tr. No. 1564 of 2015, subject to the conditions laid down under Section 438(2) 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 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 the 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 an 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 bonds of the petitioner.

(Birendra Prasad Verma, J)

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