

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11650 of 2016

Arising Out of PS.Case No. -680 Year- 2015 Thana -HILSA District- NALANDA
(BIHARSHARIFF)

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Jwala Yadav, Son of Late Yamuna Gope, resident of Village- Bari Ghosi,
P.S.- Hilsa, District- Nalanda.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. A.K.Thakur

For the Opposite Party/s : Mr. Ambika Bhagat, SPL.APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 16-03-2016

Heard.

The petitioner apprehends his arrest in a criminal prosecution registered under Sections 302/34 of the Indian Penal Code as also under Section 3(2)(v) of The Scheduled Castes and Scheduled Tribes (Prevention Of Atrocities) Act, 1989.

Learned counsel appearing on behalf of the petitioner submits that, even if the entire prosecution case is accepted to be true, for the argument sake, though not admitted, even then the offence under Section 3(2)(v) of The Scheduled Castes and Scheduled Tribes (Prevention Of Atrocities) Act is not attracted. He further submits that, so far prosecution under Section 302/34 of the Indian Penal Code is concerned, the entire prosecution case is based on suspicion and surmises and admittedly the informant is not an eye witness.

Learned Addl. P.P. appearing on behalf of the State of Bihar, though has opposed the prayer of the petitioner for grant of anticipatory bail, but he has not been able to controvert the

submissions made on behalf of the petitioner.

Be that as it may, taking into consideration the entire factual aspects of the present case and also taking into consideration the fact that the petitioner is said to be an old person aged about 60 years, this Court is inclined to accede to the prayer made on behalf of the petitioner for grant of anticipatory bail. Accordingly, his prayer for grant of anticipatory bail is allowed.

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 bond of Rs. 25,000/- with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Hilsa in connection with Hilsa P.S. Case No. 680 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 shall be government servant
- (B) other bailor shall be either family member or close relation 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.



(Birendra Prasad Verma, J)

Arvind/-

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