

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41260 of 2017

Arising Out of PS.Case No. -45 Year- 2015 Thana -ARWAL District- JEHANABAD

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1. Amit Kumar.
2. Nawlesh Kumar, Both Sons of Yugeshwar Yadav, Both Resident of Village- Sura, P.S.- Kurtha, District- Arwal.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Moleshwar

For the Opposite Party/s : Mr. Smt. Nirmala Kumari

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 06-09-2017

Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Arwal P.S. Case No. 45 of 2015 instituted for the offence under Section-419 of the Indian Penal Code and Section-10 of the Bihar Conduct of Examination Act, 1981.

It is alleged in the written report that in place of Amit Kumar, Nawlesh Kumar (petitioner No. 2) was found writing in the examination of intermediate.

In such circumstances, this court is not inclined to grant anticipatory bail to petitioner No. 2. Accordingly, prayer for anticipatory bail of petitioner No. 2 is rejected.

The petitioner No. 2 is directed to surrender in the court below and seek regular bail, which will be considered on its own merit without being prejudiced by this order.

So far as petitioner No. 1 is concerned; he was not found



at the place of occurrence.

In such circumstances, prayer for anticipatory bail of petitioner No. 1 is allowed and it is ordered that the petitioner No. 1 named above in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in Arwal P.S. Case No. 45 of 2015 to the satisfaction of learned Chief Judicial Magistrate, Arwal subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner No. 1 shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bond of the petitioner No. 1 and (3) if petitioner No. 1 tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner No. 1.

(Sanjay Priya, J)

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