

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.18192 of 2018

Arising Out of PS. Case No.-258 Year-2017 Thana- PIRO District- Bhojpur

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1. Md. Jubair Khan, S/o Md Mokhtar Khan,
 2. Md. Saied Khan, S/o Noor Mohammad, Both resident of Village- Piro, P.S.- Piro, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar

For the Opposite Party/s : Mr. Sri Jharkhandi Upadhyay

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 04-04-2018 The petitioners have challenged the order dated 15.02.2018 passed by the learned Sessions, Bhojpur at Ara in A.B.P. No. 141 of 2018 in connection with Piro P.S. Case No. 258 of 2017 whereby, though, anticipatory bail was granted to the petitioners, but onerous conditions were imposed with respect to the execution of the bail bonds.

By the aforesaid order, the petitioners have been directed to be enlarged on anticipatory bail on their furnishing bond in the sum of Rs. 10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of the court below in the event of their arrest or surrender within fifteen days of the order passed. However, another condition was imposed that one of the bailors would be a government servant who would deposit cash of Rs. 15,000/- as surety which would be forfeited, if the petitioners become accused



again in any case of similar nature.

Learned counsel for the petitioners has submitted that because of this condition, he is not able to get any government servant as a bailor. It has further been submitted that considering the nature of accusation and also the fact that out of several persons who have been made accused in this case in various stages and many of them have been granted anticipatory bail, such an onerous condition of bail ought not to have been imposed by the learned Sessions Judge.

Regard being had to the facts stated above including the accusation against the petitioners in the present case, the order of the learned Sessions Judge referred to above is modified to the extent that one of the bailors may not be a government servant and there would be no necessity of furnishing cash surety.

With the aforesaid modification in the order impugned, the present petition is disposed of.

Since the order has been modified, two weeks further time is granted to the petitioners to surrender before the court below and seek bail in terms of the modified order.

(Ashutosh Kumar, J)

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