

Kedar Prasad Vs. the State of Bihar

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Court : Patna

Decided On : May-19-2012

Appellant : Kedar Prasad

Respondent : The State of Bihar

Judgement :

IN THE HIGH COURT OF JUDICATURE AT PATNA Criminal Miscellaneous
No.43365 of 2011

===== 1. Kedar
Prasad S/O Bakhori Shah Village Guljarpur, P.S. Sahar, District Bhojpur
Petitioner/s Versus 1. The State Of Bihar Opposite Party/s

===== CORAM:
HONOURABLE JUSTICE SMT. ANJANA PRAKASH ORAL ORDER (Per:
HONOURABLE JUSTICE SMT. ANJANA PRAKASH) 02. 19.01.2012 Heard
learned counsel for the petitioner and the State. The petitioner is apprehending his
arrest in a case registered under Section 409 of the Indian Penal Code. It has
been submitted that similarly placed co- accused persons have been granted
anticipatory bail on consideration of the subsequent developments in the case as
also on their undertakings that they would refund the undistributed food grains if
on verification it was found that they had not distributed the same. Considering the
same, let the petitioner, above named on the same consideration be released on
anticipatory bail in the event of arrest or surrender before the learned Court below
within a period of four weeks from the date of receipt of the order on furnishing bail
bond of Rs. 5,000/- (Five Thousand) with two sureties of the like amount each or

any other surety as fixed by the Court to the satisfaction of Chief Judicial Magistrate, Bhojpur at Ara in connection with Sahar P.S. Case No. 60 of 2011 subject to the conditions as laid down Patna High Court Cr.Misc. No.43365 of 2011 (2) dt.19-01-2012 2/2 under Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner. (ii) That the affidavit shall clearly state that the petitioner is not an accused in any other case and if he is he shall not be released on bail. (iii) That the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse. (iv) That the petitioner will give an undertaking that he will receive the police papers on the given date and be present on date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse. (v) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled. (Anjana Prakash, J.) Vikash/-

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