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Phoolo Rai Vs. the State of Bihar

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Court : Patna

Decided On : May-19-2012

Appellant : Phoolo Rai

Respondent : The State of Bihar

Judgement :

IN THE HIGH COURT OF JUDICATURE AT PATNA Criminal Miscellaneous No.43383 of 2011 ========== Phoolo Rai, son of Shibu Rai .... Petitioner Versus The State Of Bihar .... Opposite Party ========== 4. 19.01.2012 Heard learned counsel for the petitioner and the State. The petitioner seeks anticipatory bail in a case instituted for the offence under Sections 156(3) of Cr. P.C., Sections 420, 376 of the Indian Penal Code and Sections 3(x) of the SC/ST Act Considering that initially final report was submitted in the matter whereas the case proceeded on protest cum complaint petition, let the petitioner in the event of surrender, named above, within four weeks from the date of receipt of this order, in connection with Samastipur Town SC/ST P.S. Case No. 09 of 2006, shall be released on anticipatory bail on furnishing bail bond of Rs. 5,000/- (Five thousand) with two sureties of the like amount each to the satisfaction of Shri D.N. Mishra, Chief Judicial Magistrate, Samastipur, subject to the conditions as laid down under Section 438(2) Cr. P.C. and (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 Patna High Court Cr.Misc. No.43383 of 2011 (2) dt.19-01-2012 2 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 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.) S.Ali

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