

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47142 of 2014

Arising Out of PS.Case No. -19 Year- 2010 Thana -GAYGHAT District- MUZAFFARPUR

1. Nagendra Mahto S/o Late Shivjee Mahto
2. Santosh Mahto S/o Nagendra Mahto
Both are Resident of village - Loma, P.S. Gaighat, District - Muzaffarpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saroj Kumar Sharma


For the Opposite Party/s : Mr. S.M. Rahman (App)

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 30-04-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under Section 364, 448/34 and 120 of the Indian Penal Code and that the victim boy was recovered whereafter the statement has been recorded under Section 164 of the Cr.P.C. in which he has accepted that he was working as a domestic servant on a place where the petitioners had given him a job, this Court, keeping in view that the petitioners have also got no criminal antecedent and are described to be related to the victim boy, would find them entitled for privilege of anticipatory bail.

That being so, if the petitioners, namely, Nagendra Mahto and Santosh Mahto surrender before the court below within



a period of four weeks from today, they shall be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Muzaffarpur in connection with Gaighat P.S. Case No. 19 of 2010, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to following conditions:-

(i) That the court below shall make verification of criminal antecedent of the petitioners and if it is found that they are accused in any other criminal case, they shall not be granted bail and would be taken into custody.

(ii) That both the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how they are related with the petitioners. The bailors will also undertake to inform the Court if there is any change in the address of the petitioners.

(iii) That the bailor shall also state on affidavit that he will inform the Court concerned if the petitioners are implicated in any other case of similar nature after their 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 petitioners will give an undertaking that they

will receive the police papers on the given date and be present on the date fixed for charge and if they fail to do so on two given dates and delays the trial in any manner, their bail will be liable to be cancelled for reasons of misuse.

(v) That the petitioners will be well represented on each and every date of trial and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

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