

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32395 of 2015

Arising Out of PS.Case No. -32 Year- 2015 Thana -AMARPUR District- BANKA

1. Md. Kamil S/o Late Md. Serajuddin @ Md. Siraj Resident of Village
Shabhanpur Katoria, P.S. Amarpur, District Banka.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.35396 of 2015

Arising Out of PS.Case No. -32 Year- 2015 Thana -AMARPUR District- BANKA

1. Md. Nazim @ Najjo @ Najeeb @ Md. Nezam son of Late Md.
Serajuddin @ Md. Siraj resident of village- Shabhanpur Katoria, P.S.-
Amarpur, District- Banka

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.32395 of 2015)

For the Petitioner/s : Mr. Md. Anis Akhtar

For the Opposite Party/s : Mr. Harendra Pd.(App)

(In Cr.Misc. No.35396 of 2015)

For the Petitioner/s : Mr. Md. Anis Akhtar

For the Opposite Party/s : Mr. Md.Fahimuddin(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA

ORAL ORDER

3 09-11-2015 Both the Criminal Miscellaneous arise out of the same
occurrence and as such have been heard together and are being
disposed of by passing this common order.

Heard the learned counsel for the petitioners as well
as the learned A.P.P.

The petitioners seek bail in a case for the offences punishable under sections 302/376 of the I.P.C and sections 4, 8 and 10 of Protection of Children from Sexual Offences Act.

The grand daughter (Natni) of the informant was found dead on the stair having ligature mark on her neck and also injury on her internal and tender parts. It is also alleged that neighbour Aquil was mounting pressure since long to marry her Natni for which neither the informant was ready nor his grand daughter was ready and as such the accused after committing rape had murdered the deceased.

Submission is of false implication and that the petitioners are not named in the F.I.R. but later on during investigation only on suspicion the petitioners who happened to be the brothers of Md. Aquil have been implicated and it has been alleged that the petitioners wanted to marry Aquil with his sister-in-law (Sali). In the case diary besides suspicion there is nothing and the petitioners are suffering in custody since 22.04.2015 and 22.05.2015 respectively.

The learned A.P.P. fairly submits that against the petitioners there is strong suspicion and on that basis charge sheet has been submitted.

In the facts and circumstances as stated above,

considering that there is no tangible material against the petitioners and as such the petitioners are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Sri S.K. Singh, 1st Additional Sessions Judge- Cum- Special Judge, Banka in Amarpur P.S. Case No. 32 of 2015/ G.R. No. 162 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

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