

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No. 47309 of 2014**

Arising Out of PS.Case No. -175 Year- 2013 Thana -MUNGER MUFFASIL District- MUNGER

- =====
1. Md. Addu Son of Late Md. Kalim @ Md. Kalimuddin.
  2. Md. Humau @ Hemau @ Md. Himati Son of Late Md. Alim.
  3. Md. Kamruddin @ Sadam @ Kamaruddin Son of Sanaullah @ Sanno.  
All resident of Village- Mirzapur, Bardah, P.S.-Muffasil, District -  
Munger.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN**  
**AMANULLAH**

ORAL ORDER

2      23-04-2015

Heard learned counsel for the petitioners and  
learned A.P.P. for the State.

The petitioners apprehend arrest in Muffasil  
P.S. Case No. 175 of 2013 dated 18.07.2013 instituted under  
Sections 147/148/149/114/332/353/307/379/225/201/323  
of the Indian Penal Code and 25 (1-A)/ 25(1-AA)/25(1-B)(a)(c)/  
26 (1) (2)/35 of The Arms Act, 1959.

Learned counsel for the petitioners submits  
that they were only members of the mob of more than 40  
persons in which 40 have been named in the F.I.R. itself.  
Learned counsel submits that the allegation against the  
petitioners is that they were only members of the mob and  
they have no criminal antecedent. Learned counsel as drawn  
the attention of the Court to Annexure-2, which is copy of

order dated 29.04.2014 in Cr. Misc. No. 9326 of 2014, where a co-ordinate Bench of this Court has granted anticipatory bail to two similarly situated co-accused.

Learned A.P.P. opposes the prayer for anticipatory bail.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Munger in Muffasil P.S. Case No. 175 of 2013, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure, 1973 and further (i) That one of the bailors will be a close relative of the petitioners, who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailors will undertake to furnish information to the court about any change in the address of the petitioners, (ii) That the affidavit shall clearly state that the petitioners are not accused in any other case and, if they are, they shall not be released on bail, (iii) That the bailors shall also state on affidavit that they 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 date fixed for charge and if they fail to do so on two given dates and delay the trial in any manner, their bail will be liable to be cancelled for reasons of misuse, and (v) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled.

**(Ahsanuddin Amanullah, J.)**

P. Kumar

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