

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15489 of 2015

Arising Out of PS.Case No. -297 Year- 2014 Thana -COMPLAINT CASE District- JAMUI

- =====
1. Md. Sayeed @ Md. Sayub
 2. Md. Naushad
 3. Md. Sarfaraj
- All are sons of Md. Muso @ Ayub, all residents of village Navinagar,
P.S. Chandradip, District Jamui.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Manti Devi wife of Jadish Choudhary resident of village Navinagar, P.S. Chandradip, District Jamui.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha, Adv.
For the Opposite Party/s : Mr. Ram Shankar Das(Spl.APP)
For the Complainant : Mr. Sanjeev Kumar No.1, Adv.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 14-08-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under Section 323, 504, 354B, 427, 34 of the Indian Penal Code and Section 3(i)(X) of the Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act, this Court, by taking into account that the entire occurrence is severable as with regard to allegation under Section 354 and other allied offences as well as under Section 3(i)(X) of the Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act, would find that the petitioner no.1, on the ground of direct allegation of making an attempt to outrage the modesty of the complainant, would not be entitled for grant of

privilege of anticipatory bail.

Accordingly, the prayer for anticipatory bail of the petitioner no.1, namely, Md. Sayeed @ Md. Sayub is hereby rejected.

Same, however, cannot be said with regard to petitioner no.2 and 3, inasmuch as, whatever has been stated either in the first part or in the second part will only make them accomplice in the rest of allegation being alleged against the petitioner no.1. In that view of the matter, this Court would find the petitioner nos. 2 & 3 to be entitled for privilege of grant of anticipatory bail.

Therefore, if the petitioner nos. 2 & 3, namely, Md. Naushad and Md. Sarfaraj would 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 Sri Lalan Kumar, Judicial Magistrate, 1st Class in connection with Complaint Case No. 297C of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to following conditions:-

(i) That both the bailors will be a close relative of the petitioners, who will undertake 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.

(ii) That the affidavit shall clearly state that the petitioners are not an 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 be well represented on each and every date in course 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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