

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18687 of 2015

Arising Out of PS.Case No. -35 Year- 2014 Thana -DEODHA District- MADHUBANI

1. Safiur Rahman son of Usman Ansari,
2. Md. Aslam Son of Md. Yunus, resident of Deodha, P.S. Deodha, District-
Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate.

For the Opposite Party/s: Mr. Mukesh Kr.Singh, APP

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 16-06-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioners for offence under Sections 406, 420 and 506 of the Indian Penal Code and the admitted position that the alleged victim Irfan Darji had gone abroad to earn livelihood, this Court, in absence of any attending circumstances and/or connecting material that the petitioners were in any way responsible in getting Irfan Darji a job not to his satisfaction, cannot be held to be prima facie responsible for the miseries caused upon the informant and her husband.

Be that as it may, the petitioners have also got no criminal antecedent and as such they would be entitled for privilege of anticipatory bail.

That being so, if the petitioners namely, Safiur Rahman and Md. Aslam 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/-

each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Ist Class, Madhubani in connection with Deodha P.S.Case No. 35 of 2014 subject to the following conditions:

(i) That both the bailors will be close family relatives 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 addresses 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 their 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.

Sujit/-

(Mihir Kumar Jha, J)

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