

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24595 of 2015

Arising Out of PS.Case No. -65 Year- 2015 Thana -DAGARUA District- PURNIA

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1. Md. Unsahak son of Late Adrish
 2. Abdultauf @ Abdulauf son of Kashmuddin
 3. Ansoor son of Md. Mujjam @ Mujjamil
 4. Md. Qdul @ Md. Odul son of Israil
 5. Md. Jiyol @ Jiyol son of Nesh Mohmmad
 6. Murul @ Nurul son of Unsahak
 7. Manjoor son of Md. Mujjam @ Mujjamil
 8. Md. Hai @ Md. Haj son of Nesh Mohammad
 9. Fazlu Rahman son of Fashiuddin All R/o village - Ishlampur Tola Dansari, P.S. - Dagarua, District - Purnea.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Bidhu Ranjan, Adv

For the Opposite Party/s : Mrs. Pushpa Sinha(App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA

ORAL ORDER

3 21-08-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioners for the offences punishable under Sections-147, 148, 149, 323, 325 and 307 of the Indian Penal Code and the nature of injury found on the injured persons namely, Md. Mazharul and Mr. Rafiq, can be attributed to either Md. Enamul (not petitioner) or Md. Abdultauf, petitioner no. 2 or Murul @ Nurul , petitioner



no. 6, this Court would be inclined to grant the privilege of anticipatory bail to the rest of the petitioners namely, **petitioner no. 1, Md. Unsahak, petitioner no. 3, Ansoor, petitioner no. 4, Md. Qdul, petitioner no. 5, Md. Jiyol, petitioner no. 7, Manjoor, petitioner no. 8, Md. Hai and petitioner no. 9, Fazlu Rahman**, if they would surrender within a period of four weeks from today 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 **Judicial Magistrate 1st Class**, in connection with **Dagarua P.S. Case No. 65 of 2015**, subject to the conditions laid down under Section- 438 (2) Cr. P.C and also subject to the following conditions:-

(i) That the court below shall make verification of criminal antecedent of the petitioner nos. 1, 3, 4, 5, 7, 8 and 9 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 close relative of the petitioner nos. 1, 3, 4, 5, 7, 8 and 9



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 bailors shall also state on affidavit that they will inform the Court concerned if the petitioner nos. 1, 3, 4, 5, 7, 8 and 9 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 petitioner nos. 1, 3, 4, 5, 7, 8 and 9 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 delay the trial in any manner, their bail will be liable to be cancelled for reasons of misuse.

(v) That the petitioner nos. 1, 3, 4, 5, 7, 8 and 9 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.

The prayer for anticipatory bail of the petitioner nos. 2 and 6, is hereby rejected, inasmuch as, this Court is not impressed with the submission that there was a murder case of the son of the petitioner no. 1, prior to the occurrence and that they have been falsely implicated due to that case.

With the aforementioned observation and direction, this application is disposed of with this much of clarification that in the event the petitioner nos. 2 and 6 would surrender within a period of six weeks from today, their prayer for regular bail shall be disposed of on their own merit without being prejudiced by refusal of their being denied the privilege of anticipatory bail.

(Mihir Kumar Jha, J)

Ranjan/-

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