

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36308 of 2014

Arising Out of PS.Case No. -41 Year- 2014 Thana -MEERGANJ District- PURNIA

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1. Md. Safik Son of Late Md. Masruddin
2. Md., Afak Son of Md. Safik
3. Julsan Khatoon D/o Md. Safik
4. Rajo Khatoon wife of Md. Safik
All R/o -village - Otona , P.S. - Meerganj , District - Purnea

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 09-04-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioners for the offences punishable under Sections-341, 323, 324, 307, 504/34 of the Indian Penal Code and the fact that the petitioner no. 1 is said to have given fatal blow to the deceased, this Court is not inclined to grant anticipatory bail to petitioner no. 1, Md. Safik .

The prayer for anticipatory bail of petitioner no. 1, Md. Safik is accordingly rejected.

As with regard to the rest of the three petitioners, since there is no allegation of any specific over act as



well as they have also got no criminal antecedent, this Court would direct that if the petitioners namely, **Md. Afak, Julsan Khatoon and Rajo Khatoon**, surrender within a period of four weeks from today, they would 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 **Chief Judicial Magistrate, Purnea** in connection with **Meerganj P.S. Case No. 41 of 2014** subject to the conditions laid down under Section- 438 (2) Cr. P.C and also subject to the following conditions:-

(i) That both the bailors will be close relative of the petitioners no. 2, 3 and 4 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.

(ii) That the bailors shall also state on affidavit that they will inform the Court concerned

if the petitioners no. 2, 3 and 4 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.

(iii) That the petitioners no. 2, 3 and 4 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 delays the trial in any manner, their bail will be liable to be cancelled for reasons of misuse.

(iv) That the petitioners no. 2, 3 and 4 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.

(Mihir Kumar Jha, J)

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