

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37675 of 2014

Arising out of PS.Case No. -21 Year- 2014 Thana -TURKAULIYA District- EASTCHAMPARAN
(MOTIHARI)

- =====
1. Jamil Akhtar @ Jamil Akhtar Thikdar @ Md. Jamil Akhtar , son of late Sk. Nathuni.
 2. SK. Rafique @ Bhadai @ Md. Rafique Son of Late Hefazul, both resident of Village- Siswa, P.S.- Banjaria, District- East Champaran.
- Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Singh, Advocate.

For the Opposite Party/s : Mr. J.N. Thakur, APP.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 27-02-2015 Heard learned counsels for the petitioners, the State
and the informant.

Having regard to the nature of allegation against the petitioners for offence under Sections 307, 427, 429 and 436/34 of the Indian Penal Code, this Court is not inclined to grant anticipatory bail to the petitioner no. 1 primarily because he has also been made accused in another case and that there is some sort of confirmation of his participation in the present case as well as but then as the petitioner no. 2 has got no criminal antecedent he would be entitled for grant of privilege of anticipatory bail.

Thus, while rejecting the prayer for anticipatory bail of Jamil Akhtar the petitioner no. 1, the prayer for anticipatory bail of petitioner no. 2 is allowed.



That being so, if the petitioner no. 2, namely, SK. Rafique @ Bhadai @ Md. Rafique surrenders within a period of four weeks from today, the court below shall grant him bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, District- East Champaran in connection with Turkaulia (Banjaria) P.S.Case No. 21 of 2014, subject to the following conditions:

- (i) That both the bailors will be close family relatives of the petitioner no. 2, who will undertake an affidavit giving genealogy as to how they are related with the petitioner no. 2. The bailors will also undertake to inform the court if there is any change in the address of the petitioner.
- (ii) That the affidavit shall clearly state that the petitioner no. 2 is not accused in any other case and if he is, he shall not be released on bail.
- (iii) That the bailors shall also state on affidavit that they will inform the court concerned, if the petitioner no. 2 is implicated in any other case of similar nature after his 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 petitioner no. 2 will be well represented on each and every date in course of trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

Sujit/-

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