

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31921 of 2014

Arising Out of PS.Case No. -254 Year- 2013 Thana -BAUNSI District- BANKA

- =====
1. Md. Mobarak @ Md. Mubarak Ansari S/o Md. Mokeem Ansari
 2. Md. Ayyaz Ansari @ Md. Ayozy S/o Md. Mokeem Ansari
 3. Bibi Gazala Khatoon W/o Md. Mobarak
 4. Bibi Fatima Khatoon W/o Md. Imran Ansari
 5. Bibi Rukaiya Khatoon @ Rokaiya Bibi W/o Faiyaz Ansari
- All are R/o Bara Mohanpur, P.S. Baunsi, District Banka.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.36152 of 2014

Arising Out of PS.Case No. -254 Year- 2013 Thana -BAUNSI District- BANKA

- =====
1. Md. Faiyaz Ansari S/o Md. Mokeem Ansari
 2. Md. Mokeem Ansari s/o Late Subhani Mian
 3. Bibi Tabassum Khatoon w/o Md. Mokim
- All are R/o Bara Mohanpur, P.S. Baunsi, District Banka.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.31921 of 2014)

For the Petitioner/s : Mr. Pravin Kumar Sinha

For the Opposite Party/s : Mr. Meena Singh (App)

(In Cr.Misc. No.36152 of 2014)

For the Petitioner/s : Mr. Pravin Kumar Sinha

For the Opposite Party/s : Mr. Iftexhar Mahmood(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

ORAL ORDER

02/ 02.04.2015 Both the above stated petitions arise out of Baunsi P.S. Case no. 254/2013 registered under sections 341, 323, 498A, 379, 504, 506/34 of the IPC in which petitioners apprehend their arrest and accordingly, both the above stated petitions are being disposed of by this common order.

Heard learned counsel for the petitioners as well as learned Addl. Public Prosecutor for the State.

Petitioners in Cr. Misc. no. 31921/2014 are in-laws of the informant whereas petitioner no.1 in Cr. Misc. no. 36152/2014 is husband and petitioner nos. 2 and 3 are parents-in-law of the informant.

The contention on behalf of the petitioners is that complainant along with her natal people left the home of petitioners along with cash and ornaments for which petitioner no.2 of Cr. Misc. no. 36152/2014 filed Complaint case no. 2214/2013 against the complainant and her other family members and in retaliation to the aforesaid complaint case, informant lodged the present case.

Taking into consideration the facts and circumstances as well as submissions of the parties, petitioners in Cr. Misc. no. 31921/2014 as well as petitioner nos. 2 and 3 in Cr. Misc. no. 36152/2014, in the event of their arrest/ surrender within four weeks from the date of receipt of this order to the concerned court, be released on bail on furnishing bail bonds of Rs 10,000/- each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Banka in Baunsi P.S. Case no. 254/2013 subject to condition as laid down under section 438(2) of the Cr.P.C.

So far as petitioner no.1 (Md. Faiyaz Ansari) in Cr. Misc. no. 36152/2014 is concerned, his prayer for anticipatory bail stands disposed of with direction to petitioner no.1 to surrender before the Chief Judicial Magistrate, Banka / concerned court in connection with in Baunsi P.S. Case no. 254/2013 within four weeks from today



and seek regular bail and if he does so, the concerned court shall release him on provisional bail on the day of his surrender for a period of four months on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to his satisfaction.

Furthermore, after being released petitioner no.1 on provisional bail, the concerned court shall issue notice to the petitioner as well as informant fixing a date for reconciliation and shall take all possible steps to patch up the dispute of the parties and in the above stated attempt, if the concerned court succeeds to patch up the dispute of the parties, the concerned court shall pass order for confirmation of bail of the petitioner but if the concerned court fails due to rigid approach of the petitioner, then, in that event, provisional bail of the petitioner will not be confirmed by the court below and in that event, petitioner shall be taken into custody and his regular bail application shall be decided by the concerned court on its own merit.

It goes without saying that if the aforesaid effort fails on account of rigid and non-cooperative approach of the informant, the provisional bail of the petitioner shall be confirmed by the court below itself

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(Hemant Kumar Srivastava,J)

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