

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35137 of 2015

Arising Out of PS.Case No. -91 Year- 2010 Thana -TARAIYA District- SARAN

1. Md. Wajid S/o Md. Amil,
2. Khalid Saifullah @ Khajil Saifullah, Son of Md. Amil,
3. Jasimuddin @ Md. Jamuddin, S/o Md. Amil,
4. Md. Amil, S/o Late Sikandar Hussain, all residents of village - Rajwara,
P.S. - Taraiyan, District - Saran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harish Kumar

For the Opposite Party/s : Mr. D.P. Tiwary (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

2 03-09-2015 Heard learned counsels for the petitioners and
the State.

The petitioners are apprehending arrest in a case
registered for the offences punishable under Sections
147,148,149,323,324,325,326,307 and 302 of the Indian
Penal Code.

The petitioners were named in the FIR though
on conclusion of investigation the petitioners were not sent
up for trial but during trial of the co accused the petitioners
have been summoned in exercise of jurisdiction under
section 319 Cr.P.C.



It is submitted by the learned counsel for the petitioners that the learned Additional Sessions Judge, Saran has not deliberated the evidence which persuaded the learned trial court to summon the petitioners in exercise of jurisdiction under section 319 Cr.P.C. It is further submitted that the petitioners will regularly appear before the learned trial court.

It is submitted by learned counsel for the informant that the witnesses have supported the accusation against the petitioners during trial of the co accused.

Considering the fact that on conclusion of investigation the petitioners were not sent up for trial and final form was accepted, let the above named petitioners be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge IV, Saran at Chapra in connection with Taraiyan P.S. Case No.91 of 2010 (S.T. No. 716 of 2011) subject to the conditions as laid down under Section 438(2) Cr.P.C.

The learned court below shall be at liberty to

cancel the bail bonds of the petitioners in case the petitioners default without any reasonable cause on three consecutive occasions.

(Dinesh Kumar Singh, J)

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