

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35036 of 2015

Arising Out of PS.Case No. -2 Year- 2013 Thana -CHAKAI District- JAMUI

- =====
1. Nasim Sah @ Md. Nasim Sah S/o Rafik Sah
 2. Irfan Sah @ Md. Irfan Sah S/o Mukhatar Sah
- Both are resident of Village - Tundi Road, Mohanpur, P.S. - Mufasil
Giridih, District - Giridih, Jharkhand.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kumar

For the Opposite Party/s : Mr. Tapeswar Sharma(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

02/ 18-08-2015

Heard learned counsels for the petitioners

and the State.

The petitioners are apprehending their
arrest in a case registered for the offences punishable under
Section 392 of the Indian Penal Code.

The prosecution case is that the informant's
husband died in harness when from the compensation money
informant purchased one Auto Rickshaw which was robbed by
the petitioners and others. Petitioner no. 2 is the brother-in-law
(Dewar) of the informant whereas petitioner no. 1 is the
neighbour of petitioner no. 2.

It is submitted by learned counsel for the

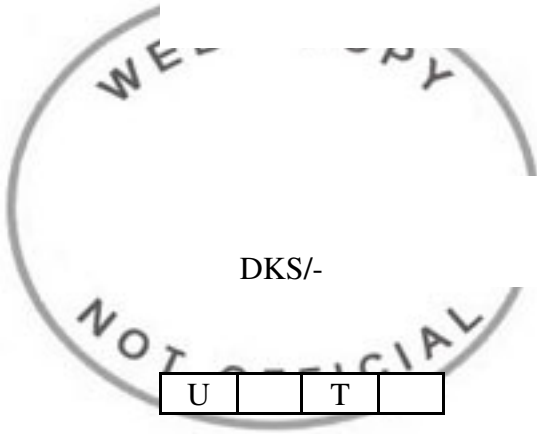
petitioners that after the death of the husband of the informant she went into bad company and took away jewellery from the house for which the father-in-law of the informant Mukhtar Sah filed Complaint Case No. 659C of 2011 and the informant and hence, as a retaliatory measure the present case has been lodged by the informant on 03.01.2013.

A statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent.

Considering the case lodged by the petitioner side at earlier point of time and the relationship between the petitioners and informant, let the above named petitioners be released on anticipatory bail in the event of their arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jamui in connection with Chakai P.S. Case No. 02 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The bail bonds of the petitioners will be accepted on filing affidavit by the petitioners that they will allow the informant to enjoy her share in the family property. The said

affidavit will be transmitted to the concerned police station by
the learned court below.



DKS/-

(Dinesh Kumar Singh, J)

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