

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40129 of 2015

Arising Out of PS.Case No. -211 Year- 2011 Thana -GARKHA District- SARAN

- =====
1. Mahtab Alam S/o Md. Khalik Ansari
 2. Md. Khalik Ansari S/o Late Md. Safiq Ansari
 3. Sakina Khatoon W/o Md. Khalik Ansari
 4. Pappu Ansari @ Iltaf Hussain Ansari S/o Md. Khalik Ansari
 5. Deji Khatoon @ Anwari Khatoon D/o Md. Khalik Ansari
 6. Juganu Khatoon @ Shagufta Naaz D/o Md. Khalik Ansari
- All Residents of village - Hasanpura, P.O. + P.S. Garakha, District - Saran at Chapra

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar

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

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 30-09-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under Sections 341, 323, 304B, 201, 379 and 34 of the Indian Penal Code and that the petitioner no.1, Mahtab Alam is the husband, it will not be inclined to grant privilege of anticipatory bail to him and, therefore, the prayer for anticipatory bail of the petitioner no.1, namely, Mahtab Alam is hereby rejected.

So far the petitioner nos. 2 to 6 are concerned, they being family members, namely, father-in-law or mother-in-law or brother-in-law or sister-in-law, their case would, however, stand on a different footing in the sense that not only the complaint itself

was filed after two months of the alleged occurrence but even otherwise the allegation of Section 304B is more or less confined against the husband.

That being so, if the petitioner nos. 2 to 6, namely, Md. Khalik Ansari, Sakina Khatoon, Pappu Ansari @ Iltaf Hussain Ansari, Deji Khatoon @ Anwari Khatoon and Juganu Khatoon @ Shagufta Naaz surrender before the court below within a period of four weeks from today, they shall 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 Judicial Magistrate, Saran at Chapra in connection with Garakha P.S. Case No. 211 of 2011, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to following conditions:-

- (i) That both the bailors will be a close relative of the petitioners, who will undertake 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 affidavit shall clearly state that the petitioners are not an accused in any other case and if they are, they shall not be released on bail.

(iii) That the bailors shall also state on affidavit that they will inform the court concerned, if the petitioners 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 bail on the ground of misuse.

(iv) That the petitioners will be well represented on each and every date in course 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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