

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39367 of 2014

Arising Out of PS.Case No. -23 Year- 2014 Thana -PANDAUL District- MADHUBANI

=====

Md. Hira, Son of Md. Junaid, resident of Village- Gadhiya, P.S.- Pandaul,
District- Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

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

For the Opposite Party/s : Mr. S.D.Singh Yadav (App)

=====

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 16-04-2015

Heard learned counsel for the parties.

The petitioner, facing prosecution for offence under Sections 323, 341, 354, 379, 504 and 506/34 of the Indian Penal Code, has a cut out defence that the dispute of the informant actually was with her husband and, therefore, if the allegation against the petitioner has been made after eight days of the occurrence and the petitioner, in the background of having no criminal antecedent, will be at least entitled for the privilege of anticipatory bail at present.

Though this Court would find some merit in the aforementioned submission for a simple reason that it is absolutely unbelievable that some other person like the petitioner, in presence of the husband of the informant, would dare to even touch the wife much less make an effort to physically abuse her. The delay,

therefore of eight days in lodging F.I.R. by the informant becomes meaningful.

This Court thus on considering overall picture, is inclined to direct that if the petitioner, namely, Md. Hira, surrenders before the court below within a period of four weeks from today, he shall be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount to the satisfaction of the learned Chief Judicial Magistrate, Madhubani in connection with Pandaul P.S.Case No. 23 of 2014, subject to the following conditions:

(i) That both the bailors will be close family relatives of the petitioner, who will undertake an affidavit giving genealogy as to how they are related with the petitioner. 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 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 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 his bail on the ground of misuse.

(iv) That the petitioner 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/-

U			
---	--	--	--