

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42261 of 2015

Arising Out of PS.Case No. -156 Year- 2008 Thana -BIHPUR District- BHAGALPUR

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1. Barkat Ali, son of Late Mian Jan
 2. Noor Jahan Khatoon @ Noor Jaha Khatoon wife of Barkat Ali
 3. Md. Akram @ Md. Akrama Ali son of Barkat Ali, all resident of Village Mahurapur Bazar, P.S. Bhawanipur, District Bhagalpur.
 4. Mamina Khatoon @ Mabina Khatoon @ Mobina Khatoon wife of Md. Tanveer, resident of Village Apala, P.S. Katihar, District Katihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Adv.
Mr. Lakshmi Kant Sharma, Adv.
For the Opposite Party/s : Mr. Ashok Kumar Singh(App)

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 09-10-2015 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners seek anticipatory bail in connection
with Bihpur (Bhawanipur) P.S. Case No. 156 of 2008 registered
under Sections 143 and 302 of the Indian Penal Code.

Initially, FIR was registered against six accused
persons including five petitioners. However, on completion of
investigation, the police submitted charge sheet against Md.
Rustam @ Chhotu Mian and the petitioners were not sent up for
trial. The police report submitted under Section 173(2) of the
Code of Criminal Procedure (for short 'Cr.P.C.') was accepted by



the jurisdictional Magistrate. Since the offence alleged is triable by the Court of Sessions, the case was committed to the Court of Sessions for trial. After framing of charge against the charge-sheeted accused Md. Rustam @ Chhotu Mian, witnesses were examined during trial. After examination of four witnesses, the prosecution filed an application under Section 319 Cr.P.C. for summoning the petitioners as additional accused. The application filed by the prosecution was allowed by the trial Judge vide order dated 22.04.2015.

Mr. Ramakant Sharma, learned Senior Counsel for the petitioners has submitted that there is absolutely no evidence against the petitioners. They had no concern with the co-accused Rustam @ Chhotu Mian and after thorough investigation the police concluded that the allegations made against the petitioners were false.

Learned counsel for the State as well as learned counsel for the informant has opposed the prayer for grant of pre-arrest bail.

Regard being had to the facts and circumstances of the case, in the event of arrest or surrender before the court below within four weeks from today, the petitioners named above are directed to be released on bail on furnishing bail bond of

Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur in connection with Bihpur (Bhawanipur) P.S. Case No.156 of 2008, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

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