

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.50000 of 2015**

Arising Out of PS.Case No. -101 Year- 2015 Thana -SURSAND District- SITAMARHI

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1. Md. Shafikur Rahman @ Bholu Son of Late Md. Haibul,  
2. Md. Rakeebul Haque, Son of Late Md. Haibul, both resident of village -  
birpur Tola, P.s. - Sursand, District - Sitamarhi.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Adv.

For the Opposite Party/s : Mr. Uday Pratap Singh(App)

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**CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH**  
**ORAL ORDER**

2 03-11-2015

Heard learned counsel for the Petitioners and the  
State.

The Petitioners seek bail in a case instituted for the  
offence under Section(s) 363, 366A/34 of the Indian Penal Code.

It has been submitted that even though in the first  
information report the petitioners have been named as accused but  
when the girl was examined under Section 164 Cr.P.C she did not  
name them.

Considering the aforesaid fact, in the event of  
surrender/arrest of the Petitioners, named above, within four  
weeks from the date of receipt/production of a copy of this order  
in connection with Sursand P.S. Case No. 101 of 2015, they shall  
be released on **anticipatory bail** on furnishing bail bond of  
Rs.5,000/- (five thousand) each with two sureties of the like  
amount each or any other surety to be fixed by the court below to  
the satisfaction of the S.D.J.M, Pupri at Sitamarhi subject to the

conditions as laid down under sections 438(2) Cr. P. C.

Subject to the conditions (i) that one of the bailors will be a close relative of the petitioners, who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailors will undertake to furnish information to the court about any change in the address of the petitioners, (ii) that the affidavit shall clearly state that the petitioners are not 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 give an undertaking that they will receive the police papers on the given date and be present on date fixed for charge and if they fail to do so on two given dates and delay the trial in any manner, their bail will be liable to be cancelled for reasons of misuse, and (v) that the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled.

Prakash/-

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**(Anjana Prakash, J)**