

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7145 of 2015

Arising Out of PS.Case No. -117 Year- 2009 Thana -DHAKA District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Sheikh Usaid @ Sk. Wasaid.
 2. Manmohan Kumar Sah
 3. Sheikh Harun

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Singh

For the Opposite Party/s : Mr. Md.Anzarul Haque Sahara (App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

3 25-05-2015 Heard learned counsel for the Petitioner and the State.

The Petitioner seeks bail in a case instituted for the offence under Section(s) 324,307/34 of the Indian Penal Code and 27 of the Arms Act.

Considering that there is no specific overt act alleged against the Petitioners no. 2 and 3 who have fair antecedents in the event of surrender/arrest of the Petitioners no. 2 and 3 within four weeks from the date of receipt/production of a copy of this order in connection with Dhaka P.S. Case No. 117 of 2009 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 Sub Divisional Judicial Magistrate,



Sikrahna, East Champaran at Motihar subject to the conditions as laid down under sections 438(2) Cr. P. C. and (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.

So far as the Petitioner no. 1 is concerned, I am not inclined to extend the privilege of anticipatory bail to him.

Prayer for bail is rejected.

The petitioner no. 1 is directed to immediately surrender before the Court below, failing which the Court below shall take stringent steps for ensuring arrest of the petitioner no. 1.

(Anjana Prakash, J)

Prakash/-

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