

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36530 of 2014

Arising Out of PS.Case No. -52 Year- 2014 Thana -ARARIA District- ARRARIA

1. Juganu @ Md. Juganu S/o Mustafa
2. Bibi Rehana @ Rihana Khatoon W/O Ejaj @ Md. Ezaz Alam
3. Sahid Prawin @ Sahin Prawin W/o Ala Maktur All resident of Village-
Mazkuri, P.S. AND District- Araria

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 09-04-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioners for the offences punishable under Sections-147, 148, 149, 323, 324, 153(A), 379, 429, 295, 504 and 337 of the Indian Penal Code, this Court would be inclined to grant anticipatory bail to petitioner nos. 2 and 3, who are ladies and have no criminal antecedent but the same privilege cannot be given to petitioner no. 1, Juganu @ Md. Juganu, inasmuch as, this Court is of the view that he had no reason to interfere in immersion procession of Saraswati Puja. The only other submission made by learned counsel for the

petitioner that the matter has been compromised is a fact which has to be verified by the Court below.

That being so the prayer for anticipatory bail of petitioner no. 1, Juganu @ Md. Juganu is rejected.

Nothing said in this order, however, will come in the way of the petitioner no. 1, , Juganu @ Md. Juganu in surrendering before the Court below and praying for regular bail.

If however the petitioner nos. 2 and 3, namely, **Bibi Rehana @ Rihana Khatoon and Sahid Prawin @ Sahin Prawin**, would surrender within a period of four weeks from today, they would 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 **Chief Judicial Magistrate, Araria** in connection with **Araria P.S. Case No. 52 of 2014** subject to the conditions laid down under Section- 438 (2) Cr. P.C and also subject to the following conditions:-

(i) That both the bailors will be close



relative of the petitioners no. 2 and 3 who will give an affidavit giving genealogy as to how they are related with the petitioners no. 2 and 3. The bailors will also undertake to inform the Court if there is any change in the address of the petitioners no. 2 and 3.

(ii) That the bailors shall also state on affidavit that they will inform the Court concerned if the petitioners no. 2 and 3 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 their bail on the ground of misuse.

(iii) That the petitioners no. 2 and 3 will give an undertaking that they will receive the police papers on the given date and be present on the date fixed for charge and if they fail to do so on two given dates and delays the trial in any manner, their bail will be liable to be cancelled for reasons

of misuse.

(iv) That the petitioners no. 2 and 3 will be well represented on each and every date 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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