

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12289 of 2015

Arising Out of PS.Case No. -702 Year- 2013 Thana -MUZAFFARPUR TOWN District-
MUZAFFARPUR

- =====
1. Sabiul Hasan @ Sabihul Hasan S/o Late Ainul Hasan Resident of Mohalla-Razdepur Shahri, P.S.-Gazipur Kotwali, District-Gazipur, Uttar Pradesh
 2. Kaniz Ftima, W/o Late Ainul Hasan Resident of Mohalla-Razdepur Shahri, P.S.-Gazipur Kotwali, District-Gazipur, Uttar Pradesh
 3. Mehdi Hasan S/o Late Ainul hasan Resident of Mohalla-RAzdepur Shahri, P.S.-Gazipur Kotwali, District-Uttar Pradesh
 4. Shane Haider @ Sanu Haider @ Sanu S/o Late Aninul Hasan Resident of Mohalla-Razdepur Shahri, P.S.-Gazipur Kotwali, District-Gazipur Uttar Pradesh
 5. Haider Ali S/o Late Ainul Hasan Resident of Mohall-Razdepur Shahri, P.S.-Gazipur Kotwali, District-Gazipur, District-Uttar Pradesh.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Shyam Kr.Singh(APP)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

4 13-08-2015

Heard learned counsel for the parties.

The petitioners, facing prosecution for offence under Sections 341, 342, 323, 354, 365, 511 and 195 A/34 of the Indian Penal Code, have brought on record certified copy of the compromise petition showing certain development which has taken place according to which the parties have sought permission to compound the case. Learned counsel has submitted that this application filed on 1.7.2015 is pending consideration before the Chief Judicial Magistrate, Muzaffarpur.



Since one of the term of the settlement is that the marriage between Binte Zehra, the informant and Syed Kamran Haider shall no longer subsist and that they have further agreed to dissolve their marriage on a specific terms and conditions as set out in the compromise petition, this Court would deem it expedient to grant privilege of anticipatory bail to the petitioners on the following conditions:-

- (i) If the petitioners, namely, 1. Sabiul Hasan @ Sabihul Hasan, 2. Kaniz Fatima, 3. Mehdi Hasan, 4. Shane Haider @ Sanu Haider @ Sanu and 5. Haider Ali surrender within a period of four weeks from today and the court below finds that the said compromise petition dated 1.7.2015 is genuine, they shall be granted provisional bail for a period of one month.
- (ii) In this period of one month, the court below shall fix a date for hearing the informant Binte Zehra and if Binte Zehra also supports the averments in compromise application, not only the provisional bail of the petitioners shall be confirmed but the court below will also pass an appropriate order with regard to disposal of the pending criminal case.
- (iii) On the other hand, if it finds that the informant Binte Zehra does not support the alleged compromise petition dated 1.7.2015, the petitioners will be taken into custody and, thereafter, the

petitioners will be at liberty to file an application for regular bail.

With the aforementioned observation and direction, this application is disposed of.

(Mihir Kumar Jha, J)

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