

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40659 of 2014

Arising Out of PS.Case No. -11 Year- 2013 Thana -BAARSOI (R.T) District- KATIHAR

- =====
1. Mustaque Alam, son of late Haji Abdul Bahav, resident of Godefort, P.S.-Baisi, District-Purnea
 2. Hoda, son of late Sesan @ Pesan, resident of Kirora, P.S.-Balrampur, District-Katihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 13-03-2015

Heard.

The petitioners apprehend their arrest in a criminal prosecution registered under Sections 399/402/307 of the Indian Penal Code as also under Section 27 of the Arms Act and Section 3/4 of the Explosive Substances Act.

Learned counsel appearing on behalf of the petitioners submits that the petitioners besides several other persons have been arrayed in the FIR as accused persons on the basis of the alleged confessional statement of a co-accused before the police. It is further submitted that co-accused Abdul Samad, co-accused Rustam and co-accused Devan Sah, who are also named in the FIR vide Annexure-1 having identical allegations, have been granted anticipatory bail by different Benches of this Court vide orders contained in Annexure-2 series. It is further highlighted that the petitioners are men of absolutely fair antecedent and no other criminal case except the present one is pending against them.

Be that as it may, in the facts and circumstances of the case, their prayer for grant of anticipatory bail is allowed. In the

event of their arrest or surrender in the court below within a period of four weeks from today, let the above named petitioners be enlarged on bail on furnishing bail bond of Rs. 25,000/- each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Barsoi (Sudhani) P.S. Case No. 11 of 2013, subject to the condition as laid down under Section 438(2) of the Cr.P.C. and subject to further conditions that:

(A) One of the bailors must be government servant or close family member of the petitioners, who will file an affidavit in the court below showing his/her relationship with the petitioners,

(B) if the petitioners are found involved in same and similar nature of cases in future, then in that case the informant/prosecution shall be at liberty to file a petition for cancellation of bail of the petitioners, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving opportunity of hearing to all concerned;

(C) the petitioners shall make regular pairvi in the court below in the present case either by appearing themselves in person or through representation by their lawyer on each and every date, and if on two consecutive dates petitioners fail to make pairvi, then the court below shall be at liberty to cancel the bail bond of the petitioners.

Arvind/-

(Birendra Prasad Verma, J)

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