

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43043 of 2014

Arising Out of PS.Case No. -87 Year- 2014 Thana -BARHARIA District- SIWAN

- =====
1. Aysha Khatun wife of Rabey Alam
 2. Seraj Alam son of Mokhtar Shah
- Both are resident of village Rasoolpur P.S. Barharia, District Siwan.
- Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Ajay Kumar Pandey
For the Opposite Party : Mr. M.Dayal (App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

7 30-07-2015 Heard both sides.

Petitioners apprehend their arrest in connection with Barharia P.S. case no. 87 of 2014 registered initially under Sections 341, 323,325 and 308 of the IPC, however, on death of the injured Section 302 of the IPC was added.

On trivial issue that is fight between the two children the occurrence is said to have been committed. The allegation in the FIR is that the accused persons came and fisted and assaulted the deceased.

Learned counsel for the petitioners submits that in course of investigation it has come that co accused Babuddin Shah wielding wooden plank assaulted the victim on head which ultimately proved fatal. It is further submitted that co-accused

having similar/identical allegation has been privileged with anticipatory bail by order dated 04.03.2015 in Cr. Misc. no. 8974 of 2015. A web copy has been handed in and kept on record and marked 'X' for identification. Petitioners have no criminal antecedent.

In the facts and circumstances of the case, this Court is inclined to extend the privilege of anticipatory bail to the petitioners. Let the petitioners, named above, in the event of their arrest/surrender before the learned Court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Siwan in connection with Barharia P.S. case no. 87 of 2014 ,subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with further following conditions:-

- (i) One of the bailors in each case shall be the own/close family member of the petitioner.
- (ii) As soon as the charges are framed the petitioners shall appear in person before the trial court on the date(s) fixed at the trial. In case of default in such appearance on two consecutive dates, the trial Court shall have liberty to cancel the bail

bonds of the petitioners and secure their arrest in
accordance with law.

(Kishore Kumar Mandal, J)

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