

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1854 of 2015

Arising Out of PS.Case No.96 Year- 2014 Thana –BIRPUR, District- BEGUSARAI

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1. Md. Ajmal Hussain, son of Late Taiyab
 2. Md. Rustam @ Pahalwan, son of Md. Kabir
 3. Md. Murtuza, Son of Md. Aziz
 4. Md. Nadir @ Md. Nazir, son of Noor Alam
 5. Md. Idrish @ Lal Babu, son of Dhana Mian
 6. Md. Hadish, son of Ushman
 7. Md. Zafar, son of Md. Iswa
 8. Md. Afroz @ Mukhiya @ Md. Afroz Alam, son of Gyasuddin
- All are resident of Village - Maida, Bhabhangama, P.S. - Birpur, District - Begusarai.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar, Adv.

For the Opposite Party/s : Mr. Ajay Kr. Jha (APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

2 16-01-2015 Heard learned counsel for the Petitioner and the State.

The Petitioner seeks anticipatory bail in a case instituted for the offence under Sections 147, 148, 149, 341, 342, 323, 307, 153(A), 505(I)(c)(ii), 353 and 504 of the Indian Penal Code.

Considering that the Petitioners No. 2, 5 and 7 have criminal antecedents, I am not inclined to extend the privilege of anticipatory bail to the Petitioners No. 2, 5 and 7 in connection with Birpur P.S. Case no. 96 of 2014 pending before the Chief Judicial Magistrate, Begusarai.

The prayer for anticipatory bail is rejected.

As for rest of the Petitioners i.e. Petitioners No. 1, 3, 4, 6, and 8, looking into the nature of allegations and their fair antecedents, let the Petitioners No. 1, 3, 4, 6 and 8 in the event of surrender, named above, within four weeks from the date of receipt of this order, in connection with Birpur P.S. Case No. 96 of 2014, 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 concerned to the satisfaction of Chief Judicial Magistrate, Begusarai, subject to the following conditions: (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 bailor will also undertake to inform the Court if there is 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 bailor shall also state on affidavit that he 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. (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.

(Anjana Prakash, J)

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