

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46915 of 2014

Arising Out of PS.Case No. -26 Year- 2014 Thana -HATHUA District- GOPALGANJ

- =====
- (1) Md. Sabir @ Sabir Miya @ Sabir Ahmad, son of late Hamid Miya,
(2) Tahsin Ahmad, son of late Basir Miya,
(3) Abu Tarab @ Tuntun son of late Basir Miya,
(4) Abdul Sattar, son of late Abbas Miya,
(5) Muntsir Ahmad, son of late Jabib Miya,
(6) Altaf Hussain, son of late Zabib Miya,
(7) Saidur Rahman @ Saidur Rahman son of late Imteyaz Ali
(8) SARfuddin Ali, son of late Abbas Mian
(9) Fahim Akhtar, son of Sabir Miya
(10) Tarik Anwar @ Pinku Son of Sattar Miya.

All resident of Village- Khansama Tola, P.S.- Hathua, District- Gopalganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Javed Aslam, Advocate.

For the Opposite Party/s : Mr. M.Rab (App)

=====

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 23-04-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioners for offence under Sections 147, 148, 149, 341, 323, 324, 307, and 447 of the Indian Penal Code and Section 27 of the Arms Act and also that the petitioners had got no criminal antecedent, save and except, for the same offence, now five version have come, this Court, taking into account that there is no allegation of any overt act against the petitioner nos. 1 to 8 namely, (1) Md. Sabir @ Sabir Miya @ Sabir Ahmad, son of late Hamid Miya, (2) Tahsin Ahmad, son of late Basir Miya, (3) Abu Tarab @ Tuntun son of late Basir Miya, (4) Abdul Sattar, son of late Abbas Miya, (5) Muntsir Ahmad, son of late Jabib Miya, (6) Altaf Hussain, son of late Zabib Miya, (7)



Saidu Rahaman @ Saidur Rahman son of late Imteyaz Ali and (8) SARfuddin Ali, son of late Abbas Mian respectively, would direct that if they would surrender before the court below within a period of four weeks from today, they shall be released on bail on furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount to the satisfaction of the learned Chief Judicial Magistrate, Gopalganj in connection with Hathua P.S. No. 26 of 2014 of subject to the following conditions:

- (i) That both the bailors will be close family relatives of the petitioners, who will undertake an affidavit giving genealogy as to how they are related with the petitioners. The bailors will also undertake to inform the court if there is any change in the addresses 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 bailors shall also state on affidavit that they 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 their bail on the ground of misuse.
- (iv) That the petitioners will be well represented on each and every date in course 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.

The prayer for anticipatory bail of the petitioner nos. 9 and 10, having the specific allegation of overt act, is rejected and they may surrender and make prayer for regular bail which shall be considered on its own merit without being prejudiced by anything said in this order.

(Mihir Kumar Jha, J)

Sujit/-

U			
---	--	--	--