

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2212 of 2015

Arising Out of PS.Case No. -393 Year- 2014 Thana -BIHARSHARIF District- NALANDA
(BIHARSHARIFF)

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1. Md. Saddam Mian S/o Md. Akbar Mian
2. Md. Irfan @ Md. Erphan S/o Late Md. Ibrahim Mian Both Residents of
Mohalla Bari Dargah, P.S. Bihar, District Nalanda.

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Pramod Kumar
For the Opposite Party : Mr. Manoj Kumar No.1(App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 21-05-2015 Heard both sides.

Petitioners along with other are facing accusations punishable under minor (bailable) Sections of the Penal Code as also Section 27 of the Arms Act.

It is alleged that on the date of occurrence three accused persons came to the house of Gulshan Khatoon and started pressuring her to withdraw the case. The informant who claims to be the neighbour came and tried to intervene whereafter it is alleged that he was fisted and assaulted by the three accused persons. While fleeing away, it is alleged that fire was shot in the air. Learned counsel submits that actually no case was earlier lodged by Gulshan Khatoon. The basis of the allegation is

incorrect. It is also submitted that petitioners do not carry criminal antecedent.

Be that as it may considering the allegations and the facts appearing from the record, this Court is inclined to privilege the petitioner with anticipatory bail. 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 anticipatory 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 Chief Judicial Magistrate, Nalanda at Bihar Sharif in connection with Bihar P.S. case no.393 of 2014, subject to the condition as laid down under Section 438(2) of the Cr.P.C. with following conditions:-

- (i) One of the bailors in each case shall be the own/close family members 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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