

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45946 of 2015

Arising Out of PS.Case No. -3 Year- 2015 Thana -KURSAKANTA District- ARRARIA

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1. Md. Matloob @ Md. Matloob Alam son of Late Zahiruddin
2. Ekhlague @ Md. Ekhlague son of late Mohammad Both resident of
village- Garaiya, Police Station- Kursakanta, District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Naushad Uzzoha, Adv

For the Opposite Party/s : Mr. Sharda Kumari (App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 03-11-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioners for the offences punishable under Sections- 147, 148, 149, 307, 324, 341, 379, 436 and 504 of the Indian Penal Code and that co-accused Md. Nazir, Md. Azaz, Faiyaz, istekhar, Aslam, Sadab, Jamshed, Samshad and Akram have been granted privilege of anticipatory bail by a co-ordinate bench of this Court vide order dated 30.09.2015 in Criminal Miscellaneous No. 21145 of 2015 and the case of the petitioner being exactly on the same footing as that of the aforesaid co-accused persons and the

petitioners also have got no criminal antecedent, this Court for the reasons mentioned in the order dated 30.09.2015, would be inclined to grant the privilege of anticipatory bail to the petitioners.

That being so, if the petitioners namely, **Md. Matloob and Md. Ekhlaque**, surrender within a period of four weeks from today, they would be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of **Judicial Magistrate, 1st Class, Araria** in connection with **Kurusakanta P.S. Case No. 03 of 2015**, subject to the conditions laid down under Section- 438 (2) Cr. P.C and also subject to the following conditions:-

(i) That the court below shall make verification of criminal antecedent of the petitioners and if it is found that they are accused in any other criminal case, they shall not be granted bail and would be taken into custody.



(ii) That both the bailors will be close relative of the petitioners who will give 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 address of the petitioners.

(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 give an undertaking that they will receive the police papers on the given date and be present on the date fixed for charge and if they fail to do so on two given dates and delays 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 and every date 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.

(Mihir Kumar Jha, J)

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