

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51219 of 2015

Arising Out of PS.Case No. -99 Year- 2015 Thana -KADWA District- KATIHAR

1. Akbar Ali son of Late Gurab Ali
2. Mahajabi @ Guddu son of Late Abu Bakar Siddique All are resident of
village- Rahmatnagar, P.S.- Kadwa, District- Katihar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Md. Qumrul Hoda, Advocate.

For the Opposite Party/s : Mr. Anish Chandra (App)

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 09-11-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioners for offence under Sections 147, 307, 324, 325, 341 and 504 of the Indian Penal Code and the fact that there is only omnibus allegation against the petitioners and the main allegation of assault is against one Md. Shahjahan, this Court, by taking into account that there is a counter blast of the same occurrence in which there is also injury on the side of the petitioners and that the petitioners also claim to have no criminal antecedent, would be inclined to grant privilege of anticipatory bail to the petitioners.

That being so, if the petitioners, namely, Akbar Ali and Mahajabi @ Guddu 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 each to the satisfaction of the learned Chief Judicial Magistrate, Katihar in

connection with Kadwa P.S. Case No. 99 of 2015; 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.

Sujit/-

(Mihir Kumar Jha, J)

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