

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45847 of 2015

Arising Out of PS.Case No. -197 Year- 2015 Thana -MADHUBAN District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Nurjahan Khatoon, aged about 40 years, wife of Rustam Mian, Resident of Village Araji Nanhkar, P.O. Madhuban, Dist. East Champaran.
 2. Sabila Khatoon, aged about 40 years, wife of Gaffar Mian, resident of Village Araji Nanhkar, P.O. Madhuban, Dist. East Champaran.
 3. Nabijan Mian @ Md. Nabijan Mian, son of Hussaini Mian, aged about 80 years, resident of Village Araji Nanhkar, P.O. Madhuban, Dist. East Champaran.
 4. Md. Kaimuddin Mian, aged about 50 years, son of Jumrati Mian, resident of Village Araji Nanhkar, P.O. Madhuban, Dist. East Champaran.
 5. Rabiya Khatoon, aged about 35 years, wife of Md. Kaimuddin Mian, resident of Village Araji Nanhkar, P.O. Madhuban, Dist. East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rashid Izhar, Adv.

For the Opposite Party/s : Mr. Parmanand Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 30-10-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation for offences under Sections 143, 149, 153, 153(A), 154, 157, 158, 160, 188, 295, 295(A), 298, 332, 341, 342, 323, 327, 353, 506 and 504 of the Indian Penal Code and the admitted position that the petitioners are said to be the member of a mob and that there was a dispute between the communities with regard to construction of Masjid/preservation of some Vanaspati Sthan, this Court by taking



into account that the petitioners have got no criminal antecedent, if the petitioners, namely, Nurjahan Khatoon, Sabila Khatoon, Nabijan Mian @ Md. Nabijan Mian, Md. Kaimuddin Mian and Rabiya Khatoon surrender before the court below within a period of four weeks from today, they shall 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 Sri R. Kumar, Judicial Magistrate-IV, East Champaran in connection with Madhuban P.S. Case No. 197 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to following conditions:-

- (i) That both the bailors will be a close relative 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 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 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 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.

(Mihir Kumar Jha, J)

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