

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49054 of 2014

Arising Out of PS.Case No. -118 Year- 2014 Thana -PHULWARIA District- BEGUSARAI

1. Md. Kallu @ Nasim
2. Fitna @ Md. Fitna @ Md. Samsher
Both are sons of Md. Idrish, resident of Village- Fulwariaganj, P.S.-
Fulwaria, District- Begusarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilesh Kumar, Advocate.

For the Opposite Party/s : Mr. R.N.Jha, APP.

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 16-07-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioners for offence under Section 366-A of the Indian Penal Code and that the petitioners are the two brothers of the main accused Md. Shamshad, who is still said to be missing along with the victim girl, this Court taking into account that even from the F.I.R. the relationship was only between Md. Shamshad and the victim girl, and that the petitioners claim that they have also no any criminal antecedent, would grant privilege of anticipatory bail to the petitioners.

That being so, if the petitioners namely Md. Kallu @ Nasim and Fitna @ Md. Fitna @ Md. Samsher 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/- each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial

Magistrate, Begusarai in connection with Fulwaria P.S.Case No. 118 of 2014; 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 address of the petitioners.

(ii) That the affidavit shall clearly state that the petitioners is 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)

U			
---	--	--	--