

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43404 of 2014

Arising Out of PS.Case No. -76 Year- 2014 Thana -PHULWARIA District- GOPALGANJ

- =====
1. Kalamuddin Ansari @ Kalamuddin Mian S/o Suleman Mian Resident of Village-Hathoji, P.S.-Phulwaria, District-Gopalganj.
 2. Sahabun Nesha @ Sahabun Naisha W/o Kalamuddin Ansari @ Kalamuddin Mian Resident of Village-Hathoji, P.S.-Phulwaria, District-Gopalganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bishwajeet Singh

For the Opposite Party/s : Mr. Gajendra Pd.Yadav(APP)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 10-04-2015

Heard learned counsel for the parties.

The petitioners are facing allegation for offence under Section 341, 323, 448, 354, 379, 504 & 34 of the Indian Penal Code.

Having regard to the nature of allegation against the petitioner no.1 in the backdrop of the counter case filed by the family members of the petitioners, this Court is inclined to grant anticipatory bail to the petitioner no.1, namely, Kalamuddin Ansari @ Kalamuddin Mian but, the same privilege cannot be given to the petitioner no.2, namely, Sahabun Nesha @ Sahabun Naisha on account of injury inflicted by her on the person of the informant, which has been also found to be substantiated by the

doctor in the First Information Report.

That being so, the prayer for anticipatory bail of the petitioner no.2, namely, Sahabun Nesha @ Sahabun Naisha is hereby rejected and if the petitioner no.1, namely, Kalamuddin Ansari @ Kalamuddin Mian surrenders within a period of four weeks from today, the court below shall grant bail to him on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gopalganj in connection with Phulwaria P.S. Case No. 76 of 2014, 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 petitioner, who will undertake an affidavit giving genealogy as to how they are related with the petitioner. The bailors will also undertake to inform the court if there is any change in the address of the petitioner.
- (ii) That the affidavit shall clearly state that the petitioner is not an accused in any other case and if he is, he shall not be released on bail.
- (iii) That the bailors shall also state on affidavit that they will inform the court concerned, if the petitioner is implicated in any other case of similar nature after his 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 petitioner will be well represented on each and every date in course of trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled on this ground alone.

Nothing said in this order, as with regard to the rejection of the prayer of the petitioner no.2, shall prejudice her in surrendering and making prayer for regular bail.

(Mihir Kumar Jha, J)

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