

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47128 of 2014

Arising Out of PS.Case No. -108 Year- 2014 Thana -AMAUR District- PURNIA

- =====
1. Md. Akram
 2. Aslam
Both sons of Late Jabbar, Resident of village - Ramani, P.S. Amour,
District - Purnea
 3. Soni Daughter of Aslam
 4. Munni wife of Masrail Both
Both resident of village - Ramani, P.S. Amour, District - Purnea
- Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bishwanath Prasad Singh

For the Opposite Party/s : Mr. Md. Ansharul Haque(App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 30-04-2015

Heard learned counsel for the parties.

Having regard to the nature of offence alleged against the petitioners for offence under Section 448, 341, 323, 324, 307, 504/34 of the Indian Penal Code and that there is specific allegation of assault against the petitioner no.1 Md. Akram and petitioner no.2 Aslam, this Court is not inclined to grant privilege of anticipatory bail to either of them.

Accordingly, their prayer for bail of the petitioner nos. 1 & 2, namely, Md. Akram and Aslam is rejected.

Keeping however in view that the petitioner nos. 3 & 4 are ladies and there is also a counter version of the same occurrence and that they have also got no criminal antecedent, this

Court, however, is inclined to grant privilege of anticipatory bail to the petitioner nos. 3 & 4.

That being so, if the petitioner nos. 3 & 4, namely, Soni and Munni would 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 the Judicial Magistrate, 1st Class, Purnea in connection with Amour P.S. Case No. 108 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 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 a 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 bailor shall also state on affidavit that he 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 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 delay 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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