

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49921 of 2015

Arising Out of PS.Case No. -261 Year- 2015 Thana -VAISHALI District- VAISHALI(HAJIPUR)

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1. Dafadar Md. Mazaz Akhtar Son of Riyat Hussain R/o Rahimpur Village,
P.O. Rahimpur Jagdish, P.s. and District Vaishali

2. Md. Dilshad Rahman @ Samsi Son of Md. Pataur Rahman R/o Village
Rahimpur, P.O. Rahimpur Jagdish, P.S. and District Vaishali

.... Petitioner/s

Versus

1. The State of Bihar

2. Sunita Devi Wife of Bateshwar Chaudhary R/o Rahimpur Village, P.O.
Rahimpur Jagdish, P.s. and District Vaishali

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Fakhruddin Ali Ahmad, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma (App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

2 10-11-2015 Heard learned counsel for the Petitioners and the
State.

The Petitioners are apprehending their arrest in a case registered under Sections 363, 366A, 376, 120B of the Indian Penal Code, Section 6 of the Protection of Children From the Sexual Offences Act and 3(1) (xii) of the S.C./S.T.(Prevention of Atrocities) Act.

Supplementary affidavit filed today annexing the statement of the alleged victim on record under Section 164 Cr.P.C. be kept on record.

Considering the fact that the victim does not named the petitioners in 164 Cr.P.C. statement, let the Petitioners, above named , who have fair antecedent be released



on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of four weeks from the date of receipt of the order on furnishing bail bond of Rs. 5,000/- (Five Thousand) each with two sureties of the like amount each or any other surety as fixed by the Court to the satisfaction of Additional Sessions Judge-I Vaishali in connection with Vaishali P.S. Case No. 261 of 2015 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:-

(i) That one of the bailors will be a close relative of the Petitioners who will give an affidavit giving genealogy as to how he is related with the Petitioners. The bailor 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 an accused in any other case and if they are they shall not be released on bail. (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 date fixed for charge and if they fails to do so on two given dates and delays 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 date and if they fails to do so on two consecutive dates, their bail will be liable to be cancelled.

(Anjana Prakash, J)

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