

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1331 of 2016

Arising Out of PS.Case No. -723 Year- 2014 Thana -FORBESGANJ District- ARRARIA

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1. Md. Nawaz Khan @ Nawaz Khan Son of Md. Azad Khan,
2. Md. Quaisar Khan, Son of Md. Wakil Khan,
3. Md. Azad Khan, Sonof Md. Habib Khan, All resident of village -
Dolbajja, Police Station - Forbesganj, District

.... Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

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

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

2 18-01-2016 Heard learned counsel for the Petitioners and the

State.

The Petitioners seek bail in a case instituted for the

offence under Section(s) 363, 366-A/34 Indian Penal Code.

Considering that the petitioners are the father and

the brother of the main accused and there is no allegation of rape

against them, in the event of surrender/arrest of the Petitioners,

named above, within four weeks from the date of

receipt/production of a copy of this order in connection with

Forbesganj P.S. Case No. 723 of 2014, they shall be released on

anticipatory bail on furnishing bail bond of Rs.5,000/- (five

thousand) each with two sureties of the like amount each or any

other surety to be fixed by the court below to the satisfaction of

the Chief Judicial Magistrate, Araria subject to the conditions as

laid down under sections 438(2) Cr. P. C subject to the 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 bailors will undertake to furnish information to the court about 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 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 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, and (v) that the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled.

(Anjana Prakash, J)

Prakash/-

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