

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13335 of 2016

Arising Out of PS.Case No. -428 Year- 2015 Thana East Champaran MUFASIL District- EAST
CHAMPARAN (MOTIHARI)

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1. Sakeeb @ Shakil Ahmad, son of Late Sk. Hadish
2. Jaibun Nesha, wife of Sakeeb @ Shakil Ahmad
3. Faijan Ahmad, son of Sakeeb @ Shakil Ahmad
All residents of village - Kataha Loknathpur, Police Station - Muffasil
Motihari, District - East Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Saba Ashfaque, Adv.

For the State : Mr. Durgesh Nandan, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

2 01-04-2016 Heard learned counsel for the Petitioners and the

State.

The Petitioners seek anticipatory bail in a case
instituted for the offence under Sections 366(A) read with Section
34 of the Indian Penal Code.

Considering that the Petitioners are the family
members of Mahfooz who appears to have been accused, let the
Petitioners in the event of surrender, named above, within four
weeks from the date of receipt of this order, in connection with
East Champaran Mofassil P.S. Case No. 428 of 2015, 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 concerned to the satisfaction of Chief Judicial Magistrate, Motihari, 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 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 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 date and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled.

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(Anjana Prakash, J)