

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13459 of 2016

Arising Out of PS.Case No. -147 Year- 2015 Thana -CHAUTHAM District- KHAGARIA

- =====
1. Md. Rajjak @ Rajjak, Son of Late Javir.
 2. Md. Mahboob @ Md. Mahboob Alam, son of Md. Rajjak @ Rajjak.
 3. Md. Ahad @ Ahad, Son of Noor Alam.
 4. Md. Mahfuz, Son of Md. Mahboob.
 5. Md. Firoj, Son of Late Abdul Barkat.
 6. Noor Alam Md. Noor Alam, Son of Ali Hassan
- All R/o Vill- Sarsaba, P.S.- Chautham Dist- Begusarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai, Adv.

For the Opposite Party/s : Mr. Mustaque Alam, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 05-04-2016

Heard.

The petitioners apprehend their arrest in a criminal prosecution registered under Section 379 and some other minor and bailable offences under the Indian Penal Code as also under Section 27 of the Arms Act.

Taking into consideration the fact that there appears to be a case and counter case from both sides vide Annexure-1 and 2 respectively and also taking into consideration the fact that there appears to be land dispute going on between the parties, this Court is inclined to accede to the prayer made on behalf of the petitioners for grant of anticipatory bail. Accordingly, their prayer for grant of anticipatory bail is allowed.

In the event of their arrest or surrender in the court below within a period of four weeks from today, let the above named petitioners be enlarged on bail on furnishing bail bond of

Rs. 25,000/- each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Chautham P.S. Case No. 147 of 2015, subject to the condition as laid down under Section 438(2) of the Cr.P.C. and subject to further conditions that:

(A) One of the bailors must be government servant or close family members of the petitioners, who will file an affidavit in the court below showing his/her relationship with the petitioners,

(B) if the petitioners are found involved in same and similar nature of cases in future, then in that case the informant/prosecution shall be at liberty to file a petition for cancellation of bail of the petitioners, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving opportunity of hearing to all concerned;

(C) the petitioners shall make regular pairvi in the court below in the present case either by appearing themselves in person or through representation by their lawyer on each and every date, and if on two consecutive dates petitioners fail to make pairvi, then the court below shall be at liberty to cancel the bail bond of the petitioners.

Arvind/-

(Birendra Prasad Verma, J)

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