

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.18086 of 2015**

Arising Out of PS.Case No. -104 Year- 2011 Thana -RAXAUL District-  
EASTCHAMPARAN(MOTIHARI)

=====

1. Salim Mian S/O Mauladen Mian  
2. Mauladen Mian S/O Late Habib Mian  
Both are residents of village- Naya Tola, P.S.- Raxaul District- East  
Champaran ..... Petitioners

Versus

The State of Bihar ..... Opposite Party

=====

**Appearance :**

For the Petitioner/s : Mr. Binod Kumar Singh, Advocate  
For the Opposite Party/s : Mr. Fahimuddin, A.P.P.

=====

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI**  
**SHARAN SINGH**

ORAL ORDER

8      09-02-2016      Heard learned counsel for the petitioners and learned  
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out  
of Raxaul P.S. Case No. 104 of 2011, disclosing offences under  
Sections 498A, 323 and 307/34 of the Indian Penal Code.

From the ordersheet, it transpires that the petitioners  
were given interim protection by this Court by an order dated  
17.08.2015 in following terms:-

*“Pending final disposal of this application, if  
the petitioners namely, Salim Mian and  
Mauladen Mian surrender within a period of  
four weeks from today, they would 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 S.D.J.M.  
Raxaul at Motihari in connection with Raxaul*

*P.S. Case No. 104 of 2011, subject to the conditions laid down under Section-438 (2) Cr.P.C. and also subject to the 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 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 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 their bail on the ground of misuse.*

*(iv) 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.”*

Despite service of notice, there is no representation on behalf of the opposite party no. 2. There is nothing to indicate that

during the period, the petitioners availed the interim protection granted by this Court, they misused the privilege so granted to them by this Court.

In view of the above, this application is allowed.

The interim protection granted to the petitioner by order dated 17.08.2015 stands confirmed. Resultantly, petitioners shall remain on bail granted to him by order dated 17.08.2015 with the same terms and conditions as imposed in the said order.

**(Chakradhari Sharan Singh, J)**

Vats/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|