

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.13582 of 2016

Arising Out of PS.Case No. -135 Year- 2015 Thana -NIRMALI District- SUPAUL

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1. Md. Muslim Ansari @ Md. Muslim S/o Late Md. Hanif Ansari
2. Bibi Safina Khatoon @ Safina Khatoon W/o Md. Yunus Ansari
3. Bibi Maimun Nisha @ Maimum Nisha W/o Md. Yusuf
All are resident of village- Islampur, P.S.- Nirmali, District- Supaul

.... Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prafull Chandra Thakur, Advocate
For the Opposite Party/s : Mr. Jagdhar Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 02-05-2016

Heard the parties.

The petitioners apprehend their arrest in a criminal prosecution registered under Sections 307, 332, 353 and some other allied offences under the Indian Penal Code.

Taking into consideration the fact that the petitioner no.1 Md.Muslim Ansari @ Md.Muslim is not only named in the first Information Report vide Annexure-1 with specific allegation of participating in the commission of crime in question, but he is also an accused in two more criminal cases, either of identical nature or serious nature, this Court is not inclined to accede to the prayer made on behalf of the petitioner no.1 for grant of anticipatory bail. Accordingly, his prayer for anticipatory bail in connection with Nrmali P.S.Case 135 of 2015 pending in the court of the learned Sub Divisional Judicial Magistrate, Birpur, Supaul is rejected.

However, if the petitioner no.1 surrenders in the court below within a period of four weeks from today and applies for regular bail, then the same shall be considered on its own merits without being prejudiced by the present order.

So far petitioner nos. 2 and 3 are concerned, though, they are also named in the first Information Report vide

Annexure-1 as accused, but taking into consideration the fact that they are ladies and allegations against them are general and omnibus in nature and further taking into consideration the fact that they are said to be the first offenders, this Court is inclined to accede to the prayer made on their behalf for grant of anticipatory bail.

In the event of their arrest or surrender in the court below within a period of four weeks from today, let petitioner no.2 Biwi Safina Khatoon @ Safina Khatoon and petitioner no.3 Biwi Maimun Nisha @ Maimun Nisha be released on bail on furnishing bail bonds of Rs.25,000/-(Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Birpur, Supaul in connection with Nirmali P.S.Case No. 135 of 2015, subject to the conditions laid down under Section 438 (2) of the Cr.P.C. and subject to the further conditions that :

(A) one of the bailors of each petitioners must be a government servant or close family member of the petitioners who will file an affidavit in the court below showing their 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, and

(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 dates, and if on two consecutive dates petitioners fail to make pairvi, then the court below shall be at liberty to cancel the bail bonds of the petitioners.

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(Birendra Prasad Verma, J)