WEB COPY NOT OFFICIAL

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14810 of 2016

Arising Out of PS.Case No. -304 Year- 2015 Thana -CHANDAUTI District- GAYA

==========

1. Md. Miswah, S/o Abdul Rauf
2. Md. Allauddin, S/o Late Noor Mahammad Khan
3. Md. Akhtar, S/o Allauddin Mian, All are residents of village - Navinagar, P.S. Chandauti (Chakand), District - Gaya

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

==========

Appearance :
For the Petitioner/s : Mr. Deepak Kumar, Advocate
For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, A.P.P.

==========

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 04-05-2016 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

Learned counsel for the petitioners has submitted that during the pendency of this application, petitioner No. 2 has been arrested and he has been granted regular bail by the court below. This application to the extent the prayer made on behalf of petitioner No. 2 thus, stands dismissed, as having become infructuous.

This application for grant of anticipatory bail arises out of Chandauti (Chakand) P.S. Case No. 304 of 2015, disclosing offences under Sections 341, 323, 307, 354B, 448, 379, 504/34 of the Indian Penal Code.

According to the case of the prosecution, petitioner No. 1 who is son of petitioner No. 2 and other co-accused persons armed with lathi, danda and iron-rod entered into the house of the informant and they assaulted the informant and her mother.

Learned counsel for the petitioners has submitted that the prosecution case as narrated in the First Information Report, prima facie, appears to be malicious and absurd. He has further submitted that fight between the children of the family is the reason behind lodging of the First Information Report. The petitioners have no criminal antecedent as stated in paragraph 3 of this application.

Keeping in view the above, this application is allowed.

Let the petitioners No. 1 and 3, namely, Md. Miswah and Md. Akhtar in the event of their arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Chandauti (Chakand) P.S. Case No. 304 of 2015, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case may

be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Vats/-

U		T	