

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48041 of 2015

Arising Out of PS.Case No. -279 Year- 2015 Thana -KRITYANAND NAGAR District- PURNIA

1. Md. Aslam Son of Sheikh jakir,
2. Md. Azlam, Son of Sheikh Jakir,
3. Sk. Naushad, Son of Saddique, all are resident of village - Mankaul,
Police Station - K. Nagar (Srinagar), District - Purnea.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar
For the Opposite Party/s : Mr. Ram Bachan Singh, APP
For the Informant : Mr. Avnish Kumar

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 05-02-2016

Heard.

The petitioners apprehend their arrest in a criminal prosecution registered under Sections 307, 325 and some other allied offences under the Indian Penal Code.

Taking into consideration the fact that there are case and counter-case from both sides vide Annexure-1 and 2 respectively, and further taking into consideration the fact that entire occurrence has taken place on account of a bonafide land dispute and also taking into consideration the fact that the specific allegation of assault by 'Dabia' is against co-accused- Md. Afsar and not against these petitioners, this Court is inclined to accede to the prayer made on behalf of the petitioners for grant of anticipatory bail. Accordingly, the prayer for 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-bonds of Rs. 25,000/- each with two sureties of the like amount each to the

satisfaction of the learned Judicial Magistrate, 1st Class, Purnea in connection with K. Nagar (Srinagar) P.S. Case No. 279 of 2015 (G.R. No. 2527 of 2015), subject to the conditions laid down under Section 438(2) Cr.P.C and subject to the further conditions that:

- (A). One of the bailors must be government servant or close family member of the petitioners, who will file an affidavit in the Court below showing his 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 the 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 an 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.

(Birendra Prasad Verma, J)

BTiwary/-

U		T	
---	--	---	--