

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 26543 of 2016

Arising Out of PS.Case No. -59 Year- 2015 Thana -KOTWA District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Sayda Khatoon @ Saiyda Khatoon
 2. Nuraida Khatoon @ Noormada Khatoon, both are daughter of Samsuddin Ansari
 3. Aysa Khatoon wife of Bairuddin Ansari
 4. Robaiya Khatoon @ Rabiya Khatoon wife of Samsuddin Ansari
 5. Noor Hasan Ansari son of Samsuddin Ansari
- All are resident of Village – Basiya Khurad PS Kotwa (Bhopat Pur O.P.) District – East Champaran.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava

For the Opposite Party/s : Mr. Madan Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 01-07-2016 Heard Sri Vijay Shankar Shrivastava, learned counsel for petitioners and Sri Madan Kumar, learned Addl. Public Prosecutor.

Five petitioners, apprehending their arrest in Kotwa P.S. Case No. 59 of 2015 registered for the offence under Sections 341, 323, 380, 504 & 34 of the Indian Penal Code, have prayed for grant of anticipatory bail.

It was submitted by learned counsel for petitioners that though in the F.I.R., all the petitioners and others were made accused, during investigation, accusation was not found true against the petitioners and thereafter, police submitted final report,

exonerated the petitioners and their names were mentioned in column – 12 of the chargesheet. However, the learned Magistrate, differing with the police report, has taken cognizance of offence against all the petitioners. He further submits that save and except offence under Section 380 of the Indian Penal Code, all the offences are bailable.

Keeping in view the fact that during investigation, petitioners were exonerated and Court has proceeded with the case, differing with the police report, there is good reason for extending the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender within a period of six weeks from today, let all the petitioners namely (1) Sayda Khatoon @ Saiyda Khatoon, (2) Nuraida Khatoon @ Noormada Khatoon, (3) Aysa Khatoon, (4) Robaiya Khatoon @ Rabiya Khatoon and (5) Noor Hasan Ansari be enlarged on bail on furnishing bail-bonds of **Rs. 10,000/-** (ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M. Motihari, East Champaran/concerned Magistrate in connection with Kotwa P.S. Case No. 59 of 2015 subject to condition as contemplated under Section 438(2) of the Cr.P.C.

(Rakesh Kumar, J.)

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