

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.36975 of 2016

Arising Out of PS.Case No. -29 Year- 2016 Thana -HASANGANJ District- KATIHAR

1. Shaida Khatoon wife of Kalamiddin
2. Md. Muslim Miyan @ Md. Muslim
3. Md. Gainu Miyan Both son of Late Samraili Miyan
4. Aama Khatoon @ Bibi Asma Khatoon wife of Md. Muslim Miyan @
Md. Muslim All resident of Village- Mansoorganj, Police Station-
Hasanganj, District- Katihar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Sah
For the Opposite Party/s : Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 19-09-2016 Heard learned Counsel for the petitioners and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail,
arises out of Hasanganj Police Station Case No. 29 of 2016,
disclosing offences under Sections 224/225/353/34 of the
Indian Penal Code.

The Police had gone to execute warrant of arrest
issued against accused Farooque. Allegedly, after he was
arrested, other accused persons, including these
petitioners, with the use of force, got the said Farooque
freed from the custody of the police.

Learned Counsel for the petitioners has

submitted that Farooque was not arrested by the Police and in fact when the Police did not find Farooque present there, they were attempting to arrest one Md. Harun Mian, another co-accused, which was resisted by these petitioners.

Considering the nature of allegation that the petitioners indulged in getting a person freed from the custody of the Police, I am not inclined to grant petitioner nos. 2 and 3, namely, Md. Muslim Miyan @ Md. Muslim and Md. Gainu Miyan, the privilege of anticipatory bail.

This application for anticipatory bail, so far as petitioner nos. 2 and 3, namely, Md. Muslim Miyan @ Md. Muslim and Md. Gainu Miyan, are concerned, is, hereby, rejected.

The petitioner nos. 2 and 3, namely, Md. Muslim Miyan @ Md. Muslim and Md. Gainu Miyan, are directed to surrender before the Court below within a period of four weeks from today and seek regular bail, if so advised. If they do so, their application for regular bail shall be considered by the learned Court below on its own merit without being prejudiced by rejection of present application for grant of anticipatory bail.

However, only on the ground that petitioner nos. 1 and 4, namely, Shaida Khatoon and Asma Khatoon @ Bibi

Asma Khatoon, are ladies, their application is allowed.

Let the petitioners, namely, Shaida Khatoon and Asma Khatoon @ Bibi Asma Khatoon, 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/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar, in connection with Hasanganj Police Station Case No. 29 of 2016, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner nos. 1 and 4 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.)

Prabhakar Anand/-

U	✓	T	✓
---	---	---	---