

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.34616 of 2015

Arising Out of PS.Case No. -31 Year- 2014 Thana -AWADPUR District- KATIHAR

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1. Shami @ Sami Ahmad
2. Sayeed @ Md. Shayeed Ahmad @ Md. Shahid Ahmed, both sons of
Mansur Master, R/o Village Bhawanipur, P.S. Abadpur, District Katihar.

.... Petitioners

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Surendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Dr. M.K. Gautam, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI

SHARAN SINGH

ORAL ORDER

5 11-02-2016 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out
of Abadpur P.S. Case No. 31 of 2014, disclosing offences under
Sections 363 and 366 of the Indian Penal Code.

The petitioner had earlier moved before this Court for
grant of anticipatory bail. Because of the fact that the Dy.
Superintendent of Police found the case to be false against the
petitioners and a final report was submitted, the said anticipatory
bail application was sought to be withdrawn. The said application
being Criminal Miscellaneous No. 34198 of 2014 was accordingly
dismissed as withdrawn.

It is submitted on behalf of the petitioners that despite
the fact that the Police found the allegation against the petitioners
to be false and there is no material on record to connect these
petitioners with the offence alleged, the court below has taken

cognizance, which has necessitated the petitioners to approach this Court again for grant of anticipatory bail as they have apprehension of arrest. He further submits that the petitioners never attempted to influence the investigation nor there is any chance that they would be fleeing from the course of investigation or trial.

Considering the submission as above, this application is allowed.

Let the petitioners, above-named, 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 Judicial Magistrate 1st Class, Katihar in connection with Abadpur P.S. Case No. 31 of 2014, 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)

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