

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53222 of 2015

Arising Out of PS.Case No. -47 Year- 2015 Thana -SHYAMPUR BHATHA District- SHEOHAR

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1. Md. Meraj Ansari @ Meraj Ansari, son of Late Nirasu Ansari
2. Ghayasuddin Ansari, S/o Meraj Ansari
3. Safeed Ansari, son of Maulvi Ansari
4. Aslam Ansari, son of Safeed Ansari
5. Abid Ansari, son of Maulvi Ansari
6. Bhola Ansari, son of Late Abdul Ansari
7. Najma Khatoon, W/o Safeed Ansari
8. Naseema Khatoon, wife of Abid Ansari
9. Mehrun Khatoon, wife of Meraj Ansari
10. Sakina Khatoon, Wife of Chhabila Mian
11. Nuriya Khatoon, Wife of Jamil Akhtar
All residents of Village- Nayagaon Maliya Tola, P.S. Sheyampur Bhatahan,
District- Sheohar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. (Dr.) Amrendra Kumar, Adv.

For the Opposite Party/s : Mr. Ram Chandra Singh, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 12-02-2016

Heard.

The petitioners, 11 in number, apprehend their arrest in a criminal prosecution registered under Sections 302/307 and some other allied offences under the Indian Penal Code.

Though, all the 11 petitioners are named in the FIR vide Annexure-1 as accused, but taking into consideration the fact that the petitioner nos.7 to 11, namely, Najma Khatoon, Naseema Khatoon, Mehrun Khatoon, Sakina Khatoon and Nuriya Khatoon are ladies and there is no specific allegation of assault against them either to the deceased or to the injured, this Court is inclined to accede to the prayer made on their behalf for grant of

anticipatory bail. Accordingly, their prayer for grant of 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 petitioner nos.7 to 11, namely, Najma Khatoon, Naseema Khatoon, Mehrun Khatoon, Sakina Khatoon and Nuriya Khatoon be enlarged on bail on furnishing bail bond of Rs. 25,000/- each with two sureties of the like amount each to the satisfaction of learned C.J.M., Sheohar in connection with Sheyampur Bhatahan P.S. Case No. 47 of 2015, subject to the condition as laid down under Section 438(2) of the Cr.P.C. and subject to further conditions that:

(A) One of the bailors must be government servant or close family members of the petitioners, who will file an affidavit in the court below showing his/her 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 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 opportunity of hearing to all concerned;

(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 date, and if on two consecutive dates petitioners fail to make pairvi, then the court below shall be at liberty to cancel the bail

bond of the petitioners.

However, so far petitioner nos.1 to 6 are concerned, who all are male members, taking into consideration the fact that they are specifically named in the FIR and are alleged to have actively participated in the commission of crime in question, this Court is not inclined to accede to the prayer made on their behalf for grant of anticipatory bail. Accordingly, their prayer for grant of anticipatory bail in connection with Sheyampur Bhatahan P.S. Case No. 47 of 2015 pending in the court of learned C.J.M., Sheohar is hereby rejected.

However, if they surrender in the court below within a period of one month from today and apply for regular bail, then the same shall be considered and decided on its own merits without being prejudiced by the present order.

(Birendra Prasad Verma, J)

Arvind/-

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