

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5435 of 2016

Arising Out of PS.Case No. -68 Year- 2014 Thana -KANHAULI District- SITAMARHI

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1. Sabir Mansoori @ Md. Sabir Mansoori
 2. Hamid Mansoori, both son of Aliman Mansoori
 3. Jamahir Mansoori
 4. Hanif Mansoori @ Manif Mansoori both son of Latif Mansoori.
- All are resident of Basahiya, P.S. Kanhauli, District – Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinod Kumar

For the Opposite Party/s : Mr. Anita Kumari (App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 22-02-2016 Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State. Learned counsel for the informant is also present.

The petitioners are apprehending their arrest in connection with Kanhauli P.S. Case No. 68 of 2014, registered for offences punishable under Sections 147, 149, 323, 324, 448, 354, 504 and 506 of the Indian Penal Code.

The petitioners, in the present case had moved this Court earlier, whereby this Court vide order dated 14.05.2015, had directed the petitioners to withdraw the application giving liberty to them to approach this Court with appropriate application, in future, seeking pre arrest bail if the situation so warrants.

Learned counsel for the petitioners submits that the



present petitioners were, in fact, had been given the benefit of 41(12) of the Code of Criminal Procedure, whereby they were released on bonds. It was under such circumstances, that the petitioners had prayed before the Court to withdraw their application for anticipatory bail. The petitioners have now filed the present application apprehending their arrest as chargesheet has been submitted against them under the relevant provisions as stated in the F.I.R. Learned counsel for the petitioners submits that after being extended the said benefit and released on bond by the Police, these petitioners have not misused the privilege of bail and they are also willing to surrender at the earliest. He further submits that considering the nature of allegations also, the petitioners have no specific role to play and, therefore, they may be extended the privilege of pre arrest bail as has been done in the case of one *Mahendra Prasad Singh Vs. State of Bihar reported in 2004(3) PLJR 491*.

Having perused all facts and circumstances of the case and taking into the consideration the parameters fixed by this Court in the earlier decision, let the petitioners above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 10,000 (Rs. Ten Thousand) each with two sureties of the like

amount each to the satisfaction of Shri P.K. Lal, Judicial Magistrate 2nd Class, Sitamarhi in connection with Kanhauli P.S. Case No. 68 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

It is made clear that these petitioners shall be available as and when called upon, for further investigation and or enabling the trial to reach its logical conclusion.

(Anjana Mishra, J)

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