

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34420 of 2016

Arising Out of PS.Case No. -215 Year- 2015 Thana -PANDAUL District- MADHUBANI

- =====
1. Md. Mohid Son of Md. Jeebachh
 2. Md. Farukh, son of Md. Ishlam,
Resident of Village- Biraal Palas Banni, P.S.-Pandaul, District-
Madhubani

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : M/s Vikramdeo Singh,
Gagan Deo Yadav, Advocates
For the State : Mr. Sri Bhanu Pratap Singh, APP

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 26-09-2016 I have heard learned counsel for the petitioners and the

State.

The petitioners apprehend their arrest in a case registered
for offences punishable under Sections 447, 147, 341, 323, 354
and 379 of the Indian Penal Code.

Learned counsel for the petitioners submits that
though benefit of Section 41 (1) of Code of Criminal Procedure
was given to the petitioners and police was permitted them to
execute bond only but they were not taken in custody and were
not released on bail. Thereafter, charge-sheet had been submitted.
Therefore, anticipatory bail would be maintainable in view of the

decision of a co-ordinate Bench of this Court rendered in **Gauri Shankar Roy Vs. The State of Bihar [2015(3) PLJR 618.**

It is contended that other accused persons have been granted regular bail and obviously there was civil dispute between the parties and it is highly improbable that the entire family would gather in the house of the informant and one of them would try to outrage her modesty in presence of entire family members. It is further contended that this appears to be false implication for the obvious reason.

Having regard to the facts and circumstances of the case, let the above named petitioners be released on bail in the event of arrest/surrender before the court below within a period of six weeks from today in Pandaul P.S. Case No. 215 of 2015, on furnishing bail bond of Rs.10,000 (Ten Thousand Rupees) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Madhubani subject to the conditions as laid down under sub-section(2) of Section 438 of the Code of Criminal Procedure.

(Dr. Ravi Ranjan, J)

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