

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.36864 of 2016**

Arising Out of PS.Case No. -2 Year- 2015 Thana -MAHILA P.S. District- MADHEPURA

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| 1. Md. Azad, son of Md. Natho                                                                                      |                            |
| 2. Md. Natho, son of Late SK. Karamat. Both are residents of village- Sapardah, P.S.- Puraini, District- Madhepura | .... .... Petitioner/s     |
| Versus                                                                                                             |                            |
| The State of Bihar                                                                                                 | .... .... Opposite Party/s |

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**Appearance :**

For the Petitioner/s : Mr. Praveen Kumar Agrawal, Advocate

For the Opposite Party/s : Mr. Sri Anant Kumar, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI**

**SHARAN SINGH**

**ORAL ORDER**

2 14-09-2016

Heard learned counsel for the petitioners and learned

Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Madhepura Mahila P.S. Case No. 02 of 2015, disclosing offences under Sections 376, 511, 504 and 506/34 of the Indian Penal Code.

From the First Information Report, it appears that the main allegation of criminal misconduct is against petitioner No. 1, who is son of petitioner No. 2.

Learned counsel for the petitioners has submitted that the Police have found the case to be true under Section 354A of the Indian Penal Code. He also submits that there is nothing against petitioner No. 2 except an allegation of having supported his son after he had committed offence alleged.

Considering the nature of the accusation against petitioner No. 2, his application for anticipatory bail is allowed.

Let the petitioner No. 2, above-named, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Madhepura in connection with Madhepura Mahila P.S. Case No. 02 of 2015, 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 petitioner No. 2 shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

So far as the petitioner No. 1 is concerned, his application for anticipatory bail is rejected.

The petitioner No. 1 is directed to surrender before the court below within four weeks from today and seek regular bail, if so advised. If he does so, his application for regular bail shall be considered on its own merit without being prejudiced by rejection of present application for grant of anticipatory bail.

**(Chakradhari Sharan Singh, J)**

Vats/-

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