

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40381 of 2016

Arising Out of PS.Case No. -33 Year- 2016 Thana -MAHILA P.S. District- ARRARIA

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1. Md. Haidar @ Haidar Ali, S/o Late Zahid
 2. Ruby Khatoon, W/o Md. Haidar
 3. Salgunia, W/O Late Zahid
 4. Arseja Prawin, D/o Md. Haidar. All are residents of village- Malkhana, P.S.- Palasi, District- Araria.
 5. Tabesum, W/o Zasim, Resident of village- Parman Tola, P.S. Kochadhaman, District- Kishanganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha, Advocate

For the Opposite Party/s : Mr. Smt. Meena Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 22-09-2016 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Araria Mahila P.S. Case No. 33 of 2016, G.R. No. 1408 of 2015, disclosing offences under Sections 341, 342, 354B and 379/34 of the Indian Penal Code.

Learned counsel for the petitioners has submitted that there is absolutely no explanation for delay of 15 days in lodging of the First Information Report inasmuch as the occurrence is said to have taken place on 08.05.2016, whereas the First Information Report came to be registered on 23.05.2016. Learned counsel



appearing on behalf of the petitioners has submitted that they have been implicated because they were opposing the candidature of Mukhiya of the concerned Gram Panchayat who is a close relative of the informant. Learned counsel for the petitioners has also submitted that petitioner No. 2 is wife of petitioner No. 1 and petitioner No. 4 is daughter of petitioner No. 1. He adds that prosecution case as narrated in the First Information Report is highly improbable inasmuch as it is not possible that wife and daughter would assist petitioner No. 1 to commit an offence of the nature, as alleged, in the First Information Report. He appears to be right in his submission.

Considering the submissions 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 Sub Divisional Judicial Magistrate, Araria in connection with Araria Mahila P.S. Case No. 33 of 2016, G.R. No. 1408 of 2016, 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)

Vats/-

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