

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3623 of 2016

Arising Out of PS.Case No. -52 Year- 2015 Thana -KAMTAUL District- DARBHANGA

=====

1. Md. Mushtaque Son of Late Wakil
2. Azad Son of Mushtaque
3. Md. Nizam @ Nezam Son of Late Wakil
4. Kalimuddin Son of Nezam
5. Md. Yusuf @ Munna Son of Malik
6. Gulab Son of Yashin
All resident of village - Usra, Police Station - Kamtaul, District - Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Md. Shamimul Hoda

For the Informant : Ms. Shama Sinha

For the Opposite Party/s : Mr. A.K.Choudhary(App)

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 11-04-2016 Heard learned counsel for the petitioners and learned counsel for the Informant as well as learned Additional Public Prosecutor for the State.

The petitioners apprehend their arrest in connection with a case registered for the offences punishable under Sections 147/149/241/323/324/307/379/504 of the Indian Penal Code.

Learned counsel for the petitioners submits that admittedly an altercation took place between the parties at the time of *Barat* and *Rukhsati* in the marriage of the grand-daughter of the informant.

It has been submitted that whatever be the reason behind the altercation, the injury which has been purported to have been

inflicated, have been found to be simple in nature.

Learned counsel appearing on behalf of the informant however, submits that though cognizance has been taken much earlier, the petitioner has been evading the process of Court and are not appearing in the Court below. As such they are not entitled to the privilege of pre-arrest bail.

However, taking into account the submissions of learned counsel for the informant and consideration of all facts and circumstances, it is directed that if the petitioner appears in the Court below within a period of three weeks then in the event of his arrest/surrender from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bonds of Rs. 10, 000(ten thousand) with two sureties of the each amount to the satisfaction of the learned A.C.J.M., Darbhanga in connection with Kamtaul P.S. Case No. 52/2015, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

In case, the petitioner does not surrender and file his bail bonds within the aforesaid period, the order passed today shall automatically stand revoked.

It is further directed that if the petitioner absents himself from the Court on two consecutive dates without any reasonable cause, it shall be open to the Court below to pass appropriate orders in accordance with law and it shall also be open to the

informant to move this Court for cancellation/modification of the
order passed.

(Anjana Mishra, J)

Saif/-

U		T	
---	--	---	--

