

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29698 of 2016

Arising Out of PS.Case No. -41 Year- 2011 Thana -BELSAND District- SITAMARHI

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1. Md. Israil Khan, son of Md. Ajij Khan
 2. Shakila Khatoon, wife of Md. Israil Khan
- Both residents of village - Pandrahi, P.S. Belsand, District - Sitamarhi.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Pawan Kumar Chaurasiya, A.P.P.

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

3 06-09-2016 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 366, 376, 379, 323, 504, 506 and 120 (B) of the Indian Penal Code.

It is contended on behalf of the petitioners that charge sheet was submitted only against the co-accused Amroj Khan and a final form was filed against the other co-accused including the petitioners exonerating them. Thereafter, cognizance was also taken by the court below against the aforesaid co-accused Amroj Khan. However, at the time of trial, the petitioners have been summoned under Section 319 Cr. P.C. as the court wants to proceed against the petitioners also. It is further contended that summons were never served upon the petitioners and the moment, the petitioners came to the knowledge of such order having been

passed by the trial court, they had filed anticipatory bail petition before the court below.

Having regard to the facts and circumstances of the case, let the petitioners, namely, Md. Israil Khan and Shakila Khatoon be released on bail in the event of their arrest/surrender before the court below within a period of six weeks from today in connection with Sessions Trial No.354 of 2011 arising out of Belsand P.S. Case No.41/2011, on furnishing bail bonds of Rs.10,000 (Ten Thousand Rupees) each with two sureties of the like amount each to the satisfaction of 1st Additional Sessions Judge, Sitamarhi subject to the conditions as laid down under sub-section (2) of Section 438 of the Code of Criminal Procedure.

However, it is made clear that the petitioners would cooperate in the trial and remain present on each and every date during trial. If the petitioners fail to do so on two consecutive occasions without any cogent reason to the satisfaction of the trial court, the trial court would be at liberty to take steps for cancellation of their bail bonds.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

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