

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4105 of 2017

Arising Out of PS.Case No. -3054 Year- 2015 Thana -VAISALI COMPLAINT CASE District-
VAISHALI(HAJIPUR)

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1. Md. Mozibul Rahman, son of Late Nazir Hasan,
2. Naushad Alam, son of Md. Mazibul Rahman,
3. Md. Akram, son of Md. Mozibul Rahman, above all are resident of Village- Dhanauti Chhoti Marai, P.S.- Hajipur Nagar, District- Vaishali.
4. Md. Jabir, son of Md. Shahid, resident of Village- Tarawa Mangarpal, P.S.- Dariyapur, District- Saran at Chhapra.
5. Md. Ansar, son of Md. Mokhtar, resident of Village- Harsher, P.S.- Foraul, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Parveen Begum, daughter of Mahboob Hasan, resident of Village- Kutubpur Dumari, P.s.- Hajipur Sadar, District- Vaishali.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan

For the Opposite Party/s : Mr. Sri Akshay Lal Pandit

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 23-02-2017 Heard the learned counsel for the petitioners and the State.

This is a petition for grant of anticipatory bail for offences under Sections- 380, 436 & other minor sections of the Indian Penal Code.

Petitioners are in-laws of the complainant. The complainant had filed a case under Section-498A of the Indian Penal Code in the past against petitioners except petitioner No. 3. In the present complaint petition, the allegation is that the



petitioners committed arson in the house of the complainant besides commission of offence of assault and theft etc.

Submission of the petitioners is that only with a view to pressurize the petitioners, the present false case has been filed.

On the other hand, learned counsel appearing for the complainant submits that after cognizance only summons has been issued, hence, this anticipatory bail petition is not maintainable.

The impugned order reveals that the aforesaid fact was not brought to the notice of learned Sessions Judge while refusing anticipatory bail petition and the order of learned Sessions Judge would prejudice the mind of the court below at the time of consideration of prayer for bail of the petitioners on surrender.

Hence, petitioners named above in the event of their arrest or surrender in the court below within four weeks from today, are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each in connection with Complaint Case No. 3054 of 2015 to the satisfaction of Smt. Niharika, Judicial Magistrate-Ist Class, Vaishali.

(Birendra Kumar, J)

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