

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No 12507 of 2017

Arising Out of PS.Case No. -119 Year- 2016 Thana -BARSOI District- KATIHAR

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1. Md Zabarul, Son of Md Abdul.
2. Md Jalil, Son of Md Akalu, Both are residents of Village Chichora Baluhat, Police-Station- Barsoi, Distt.- Katihar, (Kachna OP), District-Katihar.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Md Qumrul Hoda, Advocate

For the S t a t e : Mr Ajit Kumar, APP

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CORAM: HONOURABLE MR JUSTICE VINOD KUMAR SINHA

ORAL ORDER

2 **27-03-2017** The petitioners are apprehending their arrest in connection with Barsoi (Kachna OP) Police Station Case No 119 of 2016 registered for offences punishable under Sections 341, 323, 324, 498A, 376D/34 of the Indian Penal Code.

It is submitted on behalf of the petitioners that allegation against petitioner No 1 is under Section 498A of Indian Penal Code and so far as petitioner No 2 is concerned, allegation against him is under Section 376D/34 of Indian Penal Code but the police, after investigation, found the case true only under Section 498A of Indian Penal Code and on the basis of that, co-accused Md Bijju has already been granted anticipatory bail by this Court by order dated 20.02.2017 passed in Cr Misc No 760 of 2017.



Heard learned APP also.

Having heard both sides and as the case of petitioner No 2 is similar to co-accused Md Bijju, as such, let petitioner No 2, above named, in the event of arrest or surrender before the Court below within a period of six weeks, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Katihar in connection with Barsoi (Kachana OP) Police Station Case No 119 of 2016 arising out of Complaint Case No 967 of 2016 subject to conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

With following conditions :

(i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.

(ii) The petitioner will not induce any witness or tamper with the evidence.

(iii) The petitioner shall co-operate in the investigation of the case and make himself available as and when required by the police, otherwise, the prosecution is free to move for cancellation of his bail.

So far prayer for bail of petitioner No 1 above



named is concerned, I am not inclined to grant anticipatory bail to him rather he is directed to surrender before the learned Court below within a period of six weeks and make prayer for regular bail, which will be considered by the learned Court below on the basis of the submission, as made above, if possible, on the same day without being prejudiced by the order of this Court.

With the aforesaid observation, this application is disposed of.

(Vinod Kumar Sinha, J)

M.E.H./-

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