

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31945 of 2017

Arising Out of PS.Case No. -92 Year- 2017 Thana -BIRPUR District- SUPAUL

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1. Md. Afroj @ Md. Afroj Alam son of Md. Moiem,
2. Md. Murad, Son of Md. Moiem,
3. Md. Moien, Son of Late Kash Mir,
4. Hasina Khatoon @ Bibi Hasina, W/o Md. Murtja,

All Resident of Village- Lalpur Goit, Ward No. 14, P.S.- Birpur, District- Supaul.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun, Advocate

For the Opposite Party/s : Md. Arif, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 31-07-2017 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in Birpur P.S. Case No. 92 of 2017 instituted for the offence under Sections 341, 323, 326, 504, 427, 34 of the Indian Penal Code and Section 24 of C.T. Act.

As per written report, there is allegation against petitioner No. 1 of assaulting the wife of the informant in the stomach, who was pregnant, on account of which abortion took place.

The learned A.P.P. has pointed out the injury report



attached with the case diary wherein the doctor has found that the lady was pregnant of 1 ½ to 2 months and abortion took place due to bleeding.

In such circumstances, this Court is not inclined to grant anticipatory bail to the petitioner No.1.

Prayer for anticipatory bail of the petitioner No. 1 namely, Md. Afroj @ Md. Afroj Alam stands rejected.

So far as petitioner Nos. 2 to 4 namely, Md. Murad, Md. Moiem and Hasina Khatoon @ Bibi Hasina are concerned, there is no specific allegation of overt act against them, prayer for anticipatory bail of the petitioner Nos. 2 to 4 is allowed. In the event of surrender/arrest of the petitioner Nos. 2 to 4, named above, within six weeks from today, in connection with Birpur P.S. Case No. 92 of 2017, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Birpur, Supaul, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on



two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

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(Sanjay Priya, J)

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