

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28855 of 2017

Arising Out of PS.Case No. -24 Year- 2017 Thana -POWAKHALI District- KISANGANJ

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1. Nazmuddin Mukhiya @ Najmuddin, Son of Anoddin, Resident of Village- Tarabari, P.S.- Garban Danga, District- Kishanganj.
2. Mustaque , Son of Late Jatruddin, Resident of Village- Tarabari , P.S.- Garbandanga, District- Kishanganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amal Kumar Sinha

For the Opposite Party/s : Mr. Sri Chandrasen Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

4 10-08-2017 Heard the Counsel for the petitioners and the APP for the State.

Apprehending their arrest in Powakhali P.S. Case No. 24 of 2017 registered under section 384/34 IPC, the application seeks grant of pre-arrest bail.

The Circle Officer, on a public petition, got the case registered with an allegation that the accuseds, including the petitioners, were illegally extracting money from the vehicle near the diversion. It is submitted that considering the allegation and the relevant facts, three accuseds having identical/similar allegation have been privileged with anticipatory bail vide order dated 20.07.2017 passed in Cr. Misc. No. 33916 of 2017.

Counsel for the State has not controverted the said submission.



In the facts and circumstances of the case, the prayer for anticipatory bail is allowed.

In the event of arrest or surrender in the Court below within five weeks, the petitioners abovenamed are directed to 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 Chief Judicial Magistrate, Kishanganj in Powakhali P.S. Case No. 24 of 2017 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(i) One of the bailers shall be the own/close family members of the petitioners.

(ii) The petitioners shall cooperate in the investigation and trial and shall present themselves on each date fixed at the trial failing which it shall be open to the learned Court below to cancel the bail bonds of the petitioners and secure their arrest in accordance with law.

(iii) During the subsistency of the privilege of bail, if the petitioners are found involved in another case, the same shall construe as a breach of the condition of bail entailing cancellation.

(Kishore Kumar Mandal, J)

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