

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35560 of 2017

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1. Md. Sikandar @ Sikandar Alam @ Md. Sikandar Alam, S/o Salim Amin,
2. Md. Sadique Alam @ Sadique Alam S/o Salim Amin,
3. Ehrar @ Erar, S/o Islamuddin, All are R/o Tegharia, PS- Bahadurganj,
District- Kishanganj.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Angustari Begum, D/o Habibur Rahman, R/o Vill- Tegharia, P.S.-
Bahadurganj, District- Kishanganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Singh
Mr. Diwakar Sinha
For the Complainant : Mr. Dilip Kumar Singh
For the Opposite Party/s : Mr. Sri Ashok Kumar Singh 1

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 10-08-2017 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State as well as learned
counsel appearing on behalf of the complainant.

The petitioners apprehend their arrest in connection with a
case registered for the offences punishable under Sections
323/354(B)/379/506 of the Indian Penal Code.

There is history of litigation between the parties with the
same nature of allegations having been made against the
petitioners and the brother of petitioner Nos. 1 and 2 who was
earlier involved in a case under Section 376 of the Indian Penal
Code. The said case which was lodged under Section 376 of the
Indian Penal Code against the brother of petitioner Nos. 1 and 2
has since ended in acquittal.



Learned counsel appearing on behalf of the complainant, however, submits that it is a case in which there has been repetition of the same occurrence and, thus, the petitioner should not be extended the privilege of anticipatory bail.

Considering the fact that the compliant case in which the present anticipatory bail has been filed, was lodged before the conclusion of the trial in the other case and that the informant who is the same in both the cases did not bring the same to the knowledge of the trial Court and also because the petitioners of the present case had virtually no role in the pervious proceeding, let petitioner Nos. 1, 2, and 3 (above named), in the event of their arrest / surrender within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kishanganj, in connection with Complaint Case No. 951/2015, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Anjana Mishra, J)

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