

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46927 of 2017

Arising Out of PS.Case No. -793 Year- 2012 Thana -KATIHAR District- KATIHAR

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1. Gaffar @ Abdul Gaffar @ Abdul Safer, Son of Israil,
2. Tahir @ Md. Tahir @ Md. Taheer, Son of Marshad Ali,
3. Israil @ Md. Israil, Son of Late Mubarak Ali,

All resident of Village- Pipra, P.S.- Ranipatra, District- Purnea.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bholu Prasad, Advocate.
For the informant : Mr. Sanjeev Kumar Singh, Advocate.
For the State : Mr. Pramod Kumar Pandey, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 17-10-2017 Heard learned counsel for the petitioners and the

State.

It has been submitted that petitioner No. 2 has already

been arrested. Therefore, his application for anticipatory bail has

become infructuous.

The application against petitioner No. 2 is dismissed

as having become infructuous.

The petitioners apprehend their arrest in Katihar

(Sahayak) P.S. Case No. 793 of 2012 instituted for the offence

under Sections 323, 341, 429, 406 and 364(A) of the Indian Penal

Code.

It is alleged that accused persons on 14.09.2012 took



away the husband of the petitioner for executing the sale deed, but he did not return.

Learned counsel for the petitioners has submitted that occurrence is said to have taken place on 14.09.2012 and this case has been filed on 06.12.2012. It has further been submitted that the statement of the victim girl has been recorded under Section 164 Cr. P.C. after five years i.e. 18.5.2017.

From the allegation in the written report and the statement of victim recorded under Section 164 Cr. P.C., it appears that there is land dispute between the parties.

Considering the facts and circumstances of the case, prayer for anticipatory bail of petitioner Nos. 1 and 3 namely, Gaffar @ Abdul Gaffar @ Abdul Safer and Israil @ Md. Israil is allowed. In the event of surrender/arrest of the petitioner Nos. 1 and 3, named above, within six weeks from today, in connection with Katihar (Sahayak) P.S. Case No. 793 of 2012, 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 Chief Judicial Magistrate, Katihar, 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.

S.Ali/-

(Sanjay Priya, J)

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