

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57266 of 2017

Arising Out of PS.Case No. -11 Year- 2017 Thana -KHANPUR District- SAMASTIPUR

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1. Md. Jafroj, S/o Md. Khalil,
2. Md. Shamshad, son of Md. Khalil
Both are R/o Village- Bajitpur, P.S.- Town, P.S.- Darbhanga, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surya Narayan Roy, Advocate.

For the Opposite Party/s : Mr. Panchanand Pandit, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 07-12-2017

Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in **Khanpur P.S.**

Case No. 11 of 2017 instituted for the offence under Section 302 of the Indian Penal Code.

In the written report it is alleged that the dead body of the deceased was found in his house.

Learned counsel for the petitioners has submitted that they are not named in the written report. Some of the witnesses have given their statement under Section 164 Cr. P.C. raising suspicion against these petitioners on the basis of which, their names have come during investigation. It has further been submitted that other co-accused persons with similar allegation have already been granted anticipatory bail by a coordinate Bench of this Court vide order dated 17.5.2017



passed in Cr. Misc. 20994 of 2017.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with **Khanpur P.S. Case No. 11 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-III, Samastipur**, 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.

(Sanjay Priya, J)

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