

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21716 of 2017

Arising Out of PS.Case No. -375 Year- 2016 Thana -MAHUA District- VAISHALI(HAJIPUR)

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1. Md. Ayainul Haque, Son of Late Md. Sakur.
2. Md. Saddam Hussain @ Md. Saddam @Md. Salam , Son of Md. Mohid,
Both Resident of Village- Sharma , P.S.- Mahua, District- Vaishali
(Hajipur) (as per F.I.R.) but original Residents of Village- Jirwara, P.s.-
Mahua, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lovekush Kumar

For the Opposite Party/s : Mr. M. Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

3 10-08-2017 Heard Mr. Choudhary for the petitioners and Mr. Dayal,

APP for the State.

On suspicion, the two petitioners and one Md. Zafir @
Md. Zakir have been named in Mahua P.S. Case No. 375 of 2016
registered under sections 302/201/34 of the Indian Penal Code.
They pray for grant of anticipatory bail.

The allegation is that his son, on receiving a call from the
house of co-accused Mumtaz, left the home and did not return. A
hectic search was made. On 22.12.2016, when the informant went
to lodge the F.I.R., it was revealed that one dead body was lying in
the field. He went there and identified the body of his son.

Learned counsel submits that in course of investigation,
it has revealed that the deceased had love affairs with the daughter



of co-accused Mumtaz. He had gone to the house of Mumtaz. It is not a case that the petitioners were ever last seen with the deceased. The two paragraphs of case diary referred in the impugned order have been read by the counsel for the petitioner to demonstrate that the complicity of the petitioners does not transpire. It is further submitted, referring to Annexure-2, that co-accused Md. Zafir @ Md. Zakir has since been granted privilege of bail. The case of the petitioners stand on similar footing.

In the event of arrest or surrender in the Court below within four weeks, the petitioners abovenamed are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in Mahua P.S. Case No. 375 of 2016 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) In case of framing of charge, the petitioners shall appear in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have



liberty to cancel the bail bond of the petitioners and secure their
arrest in accordance with law.

(Kishore Kumar Mandal, J)

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