

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.60078 of 2018

Arising Out of PS. Case No.-68 Year-2018 Thana- KRITYANAND NAGAR District- Purnia

1. Amartya Lahiri, S/o Late Amulya Lahiri, R/o Vastu Vihar Society, Jayanti No. 12, P.S.- K.Nagar, District- Purnea.
2. Mahmood Ali, S/o Tej Ali Miyan, R/o Vill.- Kapoor Pakri, P.S.- Shikarganj Dhaka, District- Motihari.
3. Bharat Sah S/o Late Rajendra Sah, R/o Vill.- Kapoor Pakri, P.S.- Shikarganj Dhaka, District- Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jyoti Prabhakar

For the Opposite Party/s : Mr. Anil Prasad Singh

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL ORDER

2 10-12-2018 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 379, 496, 498 and 120(B)/34 of the Indian Penal Code.

The wife of the informant had filed Matrimonial Case No. 1291 of 2017 in the court of learned Principal Judge, Family Court, Patna for dissolution of her marriage under the provisions of dissolution of Muslim Marriage Act, 1939. A copy of the petition is at Annexure 2. Petitioner No. 2 is father of the wife of the informant and other petitioners are friend of petitioner no. 2. In the background of aforesaid strained relation, there is allegation of commission of theft etc. against the



petitioners also besides against the wife.

Learned counsel for the informant opposed the prayer for anticipatory bail on the ground that process under Section 82 and 83 Cr.P.C. has already been issued against the petitioner no. 1 and against other petitioners even warrant has not been issued, hence, they have no apprehension of arrest in this case.

After hearing the parties and considering the facts and circumstances of this case, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.20,000/- (rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with K.Nagar Police Station Case No. 68 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the petitioners shall fully cooperate with the investigation and trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioners.

(Birendra Kumar, J)

Kundan/Rajan

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