

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59291 of 2017

Arising Out of PS.Case No. -22 Year- 2017 Thana -BALRAMPUR District- KATIHAR

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1. Md. Yasir son of Late Gulam Rasul @ Sirwal
2. Md. Jakir son of Late Gulam Rasul @ Sirwan Both residents of Village -
Kamratola Madhopur (Idgahtola), P.S. - Balrampur, District - Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kulsum Khatoon Wife of Md. Sah Alam Resident of Village - Kamratola
Madhopur (Idgahtola), P.S. - Balrampur, District - Katihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Chandra Prasad

For the Opposite Party/s : Mr. Sri Rana Randhir Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 18-01-2018 Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Balrampur P.S. Case
No. 22 of 2017 instituted for the offence under Sections-341, 376/511
of the Indian Penal Code.

It has been submitted on behalf of the petitioners that
police has after investigation submitted charge sheet in this case against
the petitioners for the offence under Sections-341, 323, 504, 506/34 of
the Indian Penal Code but the court below after differing with the
charge sheet, has taken cognizance under Sections-376/511 of the
Indian Penal Code.

Counsel for the State has submitted that during
investigation, petitioners were given benefit of provision of Section-
41(1) Cr.P.C. by the police. The I.O. after investigation, has submitted



charge sheet under Sections-341, 323, 504, 506/34 of the Indian Penal Code but the learned Magistrate has taken cognizance under Sections-376/511 of the Indian Penal Code.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioners named above in the event of their arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in Balrampur P.S. Case No. 22 of 2017 to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Katihar subject to condition as laid down u/S 438(2) of the 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 liable to 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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