

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46268 of 2018

Arising Out of PS.Case No. -42 Year- 2018 Thana -MADHUBAN District- EASTCHAMPARAN
(MOTIHARI)

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1. Aslam @ Md. Aslam, Son of Sheikh Manzoor,
2. Ezaz,
3. Mishrilal, Both Sons of Sheikh Ainul,
4. Sheikh Manzoor,
5. Sheikh Ainul,
6. Sheikh Wazul @ Vajul, All sons of Late Farman @ Sheikh Farman, All
residents of Village- Manikpur, P.S.- Madhuban, District- East Champaran.
..... Petitioner/s

Versus

1. The State of Bihar.
..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binay Kant Mani Tripathi
Mr. Ajay Kumar Mishra
Ms. Ajita

For the Opposite Party/s : Mr. Sri Ganesh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 21-08-2018 Heard learned counsel for the petitioners as well as the
State.

The petitioners apprehend their arrest in Madhuban P.S.
Case No. 42/2018, instituted for the offences punishable under Sections
147, 148, 149, 341, 323, 324, 307, 379, 447, 504 and 506 of the Indian
Penal Code.

Learned counsel for the petitioners has submitted that in
the written report, there is specific allegation against co-accused Md.
Anwarul and Md. Mustafa of assaulting Md. Sazid with *Farsa*. There
is allegation against Md. Suleman of assaulting the uncle of informant
with *Bhala* in the stomach. There is no allegation of specific overt act



against these petitioners. It is further submitted that other co-accused has already been granted anticipatory bail by a co-ordinate Bench of this Court in Cr. Misc. No. 50158/2018 dated 14.08.2018.

Considering the facts and circumstances of the case, the 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 Madhuban P.S. Case No. 42/2018, 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 the learned A.C.J.M. IV, Motihari, East Champaran, subject to the conditions as laid down under Section 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 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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