

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55711 of 2018

Arising Out of PS.Case No. -130 Year- 2017 Thana -JALE District- DARBHANGA
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- 1. Amirul Shah, S/o Basheer Shah,
- 2. Naukhez Shah @ Nauwkhez S/o Mustafa Shah,
- 3. Ehsan Shah S/o Qurban Shah,
- 4. Ashgar Shah @ Ashghar Shah S/o Silat Shah,
- 5. Barkat Ali @ Chand Shah @ Chand S/o Qurban Shah, All R/o Vill.-
Manam Khedu, P.S.- Jalley, District- Darbhanga.

.... Petitioner/s

Versus

- 1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Shama Sinha, Adv
For the Opposite Party/s : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 06-10-2018 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 147, 149, 341, 323, 354, 504 IPC and Section 3/4 of the Witch (Daain) Prohibition Act, 1999 registered in connection with Jalley P.S. Case No. 130 of 2017 (T.R. Case No. 1044/2018).

3. It is submitted that the petitioner has been falsely implicated in retaliation of an earlier FIR In Jalley P.S. Case No. 127 of 2017 instituted against the informant and her family for encroaching the public library and making assault on the members of the family. Similarly situated co-accused persons have been granted anticipatory bail by this Court in Cr. Misc. No. 53139 of 2018. The petitioners claim clean antecedents.



4. Having regard to the entirety of the facts and circumstances, as such, in the event of the petitioners arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned ACJM Ist, Darbhanga in connection with Jalley P.S. Case No. 130 of 2017 (T.R. Case No. 1044/2018), subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

(i) That one of the bailors shall be a close relative of the petitioners.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioners shall co-operate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) The petitioners shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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