

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9987 of 2018

Arising Out of PS. Case No.-1538 Year-2009 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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1. Md. Anjar, S/o Late Md. Khurshid Alam @ Khurshid,
 2. Md. Abdul Khalique @ Md. Khalique S/o Lal Mohammad,
 3. Md. Monazir S/o Nizam, All R/o Village- Laruara, P.S.- Muffasil, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Bebi Khatoon W/o Md. Atahar, R/o Village- Laruara, P.O. Laruara, P.S.- Muffasil, District- Begusarai.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilesh Kumar
For the Opposite Party/s : Mr. SRI BINOD KUMAR

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 21-02-2018 Heard learned counsel for the petitioners and learned APP
for the State.

Petitioners apprehend their arrest in complaint case no.
1538C/2009. instituted for the offence under Section(s) 376/34
of the Indian Penal Code.

Learned counsel for the petitioners has submitted that
initially the police case was filed in which police submitted
final form which was accepted by the Court below. Thereafter
Court proceeded on the basis of protest petition and complaint
case no. 1538 (c) of 2009 was registered on the basis of
complaint which was also dismissed after inquiry. The
complainant filed revision application before the Sessions Judge



vide Cr. Revision no. 351 of 2013 and thereafter Court below was directed to pass fresh order and thereafter the Court below has summoned the petitioners by order dated 17.6.2014 to face trial under Sections 354, 341, 323, 504/34 of the I.P.C.. The aforesaid order was again challenged by the complainant before the sessions judge and after passing order in Cr. Revision no.292 of 2014 to Court below to pass fresh order, the learned Magistrate by order dated 22.8.2016 ordered the petitioners to face trial for the offence under Sections 376/34 of the IPC. The Xerox copy of the entire order sheets have been annexed as Annexures-2 and 3.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with complaint case no. 1538C/2009, 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. Judicial Magistrate VI, Begusarai, subject to the conditions as laid down under Section 438(2) 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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