

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20086 of 2018

Arising Out of PS. Case No.-575 Year-2017 Thana- MOTIHARI TOWN District- East
Champaran

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1. Hazra Khatoon @ Hijra, W/o Late Tahir Hussain, R/o Mohalla-
Nakchhed Tola, P.S.- Town- Motihari, District- East Champaran.
 2. Saddam Hussain @ Saddam, S/o Late Tahir Hussain, R/o
Mohalla- Nakchhed Tola, P.S.- Town- Motihari , District- East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Tondon, Advocate
For the Opposite Party/s : Mr. Bisheshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 11-05-2018 Heard learned counsel for the petitioners and the
State.

The petitioners apprehend arrest in Motipur Town
P.S. Case No. 575 of 2017 instituted for the offence under
Sections 302,379,120(B),201/34 of the IPC.

Counsel for the petitioners submits that the instant
case has been filed as a counter blast of case filed by petitioner
no. 1 against son of the informant(since deceased) vide Motihari
Town P.S. Case No. 271 of 2014 for the offence under Section
436,380,457 of the IPC and Motihari Town P.S. Case No. 155 of
2014 for the offence under Sections 457 and 380 of the IPC.

Learned counsel for the petitioners submits that the



deceased was involved in a number of criminal cases.

In the written report, it is alleged that son of the informant was taken away by these petitioners and other accused persons as named in the written report from the house and later on he was found dead. The informant has raised suspicion against the petitioners. Case diary has been received.

Learned APP for the State after looking into the case diary has submitted that none of the witnesses has leveled specific allegation against the petitioners.

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 bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each in connection with Motihari Town P.S. Case No. 575 of 2017 to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran, 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 dated fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bonds of the petitioners and (3) if the petitioners tampers 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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