

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1676 of 2018

Arising Out of PS. Case No.-100 Year-2017 Thana- SATHI District- West Champaran

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1. Munni Khatoon, W/o Gawal Sheikh,
 2. Gawal Sheikh S/o Late Bikau Sheikh,
 3. Rizwan Sheikh,
 4. Ibran Sheikh Both Sons of Gawal Sheikh, All R/o Village-
Pachrukhiya, P.S.- Gaunaha, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Syed Ehteshamuddin
For the Opposite Party/s : Mr. Md. Nazir Ansari

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 15-02-2018 Heard learned counsel for the petitioners and learned APP
for the State.

Petitioners apprehend their arrest in Sathi P.S. case no.
100 of 2017 instituted for the offence under Section(s) 363,
366A, 341, 323, 504 and 506/34 of the Indian Penal Code.

Learned counsel for the petitioners has submitted that the
victim girl, in her statement recorded under Section 164 Cr.
P.C. has specifically taken the name of the petitioner nos. 3 and
4. Petitioner nos. 1 and 2 are father and mother of petitioner
nos. 3 and 4. From the statement of the victim girl, it appears
that there is no allegation of overt act against the petitioner nos.
1 and 2.



So far as the allegation against the petitioner nos. 3 and 4 are concerned, victim girl has taken specific name of the both the petitioners in her statement. Therefore, this Court is not inclined to grant anticipatory bail to the petitioner nos. 3 and 4, namely, Rizwan Sheikh and Ibran Sheikh. Prayer for anticipatory bail of the petitioner nos. 3 and 4 stands rejected.

Petitioner nos. 3 and 4 may surrender before the Court below and make prayer for regular bail which shall be considered and disposed of on its own merit in accordance with law without being prejudiced by the present order.

The prayer of the petitioner nos. 1 and 2 for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner nos. 1 and 2, namely, Munni Khatoon and Gawal Sheikh, within six weeks from today in connection with Sathi P.S. case no. 100 of 2017 (G.R. No. 2972 of 2017), 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 A.C.J.M-VII, West Champaran at Bettiah 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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