

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11926 of 2018

Arising Out of PS.Case No. -610 Year- 2016 Thana -ARARIA District- ARRARIA

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1. Md. Mithu, Son of Qaiyum @ Kaiyum Ansari,
2. Md. Salam, Son of Alim,
Both Resident of Village Baigachhi Momin tola Police Station Baigachhi
(O.P.), District- Araria.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate.

For the Opposite Party/s : Mr. Abhay Kumar – 1, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 04-04-2018

Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in **Araria P.S. Case No. 610 of 2016, G.R. No. 3065 of 2016** instituted for the offence under Section 379 of the Indian Penal Code. Subsequently, Section 411 of the Indian Penal Code was added.

Learned counsel for the petitioners has submitted that petitioners are not named in the written report. No incriminating article has been recovered from possession of the petitioners. The name of the petitioners has come during investigation in confessional statement of co-accused Belal. It has further been submitted that the Motorcycle has been recovered from the house of co-accused Durwesh on the basis of confessional statement of co-accused Shahnawaz.

It is mentioned in paragraph-3 of the bail petition that



petitioners have no criminal antecedent.

Considering the facts and circumstances of the case, 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 **Araria P.S. Case No. 610 of 2016, G.R. No. 3065 of 2016**, 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 **learned Chief Judicial Magistrate, Araria**, 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 their absence on two consecutive dates without proper and reasonable reason will be liable to cancel their bail bond 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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