

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2548 of 2018

Arising Out of PS.Case No. -88 Year- 2017 Thana -KADWA District- KATIHAR

- =====
1. Md. Harmuz, S/o Late Tahir @ Late Md. Tahir,
 2. Asgari Khatoon, W/o Md. Harmuz, both r/o Ashiyani, P.S.- Kadwa,
District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ratnakar Ambastha, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar -1, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 08-05-2018

Heard learned counsel for the petitioners and learned

APP for the State.

Petitioners apprehend their arrest in **Kadwa P.S.**

Case No.88 of 2017 instituted for the offence under Section(s)
302, 120-B/34 Indian Penal Code.

Counsel for the petitioner has submitted that there is
no specific allegation of overt act against these petitioners. The
Informant has alleged in the written report that prior to the
occurrence they used to assault the sister of the informant.

In the written report, there is allegation that niece of
the informant told that sister of the informant was assaulted by
Md. Ghulam and his wife, Nahida Khatoon, (not petitioners).

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 **Kadwa P.S. Case No.88 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 **Chief Judicial Magistrate, Katihar**, 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 bonds 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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