

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5102 of 2019

Arising Out of PS. Case No.-106 Year-2018 Thana- BAKHARI District- Begusarai

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1. Fudki @ Phudki, female, age 25 years, daughter of Md. Majid
 2. Md. Gulfan @ Gulfan @ Gulfam, male, age 22 years, son of Md. Majid
Resident of Village-Vikram Nadail, Ward No. 4, P.S.- Bakhri, District-
Begusarai

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Sandip Kumar Gautam, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 30-01-2019 At the very outset, learned counsel for the petitioners submits that petitioner no. 2 Md. Gulfan @ Gulfan @ Gulfam has already been arrested during the pendency of this application and as such his application has become infructuous.

2. As prayed, the anticipatory bail petition, as against petitioner no. 2, namely, Md. Gulfan @ Gulfan @ Gulfam, is dismissed.

3. Heard learned counsel for the petitioner no.1 and learned APP for the State.

4. Petitioner no. 1 apprehends her arrest for the offences alleged under Sections 341, 323, 337, 354 (B), 504, 506/34 of the Indian Penal Code registered in connection with Bakhri P.S. Case No. 106 of 2018.

5. It is submitted that petitioner no. 1 has been falsely implicated in the backdrop of admitted land dispute between the parties. The accusation of assault by as many as six accused persons is not corroborated from the injury report, as recorded in paragraph 39 of the case diary as noticed in the order passed in ABP No. 1974



of 2018, according to which the injury is simple in nature. The petitioner claims clean antecedents.

6. Be that as it may, in the event of arrest or surrender of petitioner no. 1 Fudki @ Phudki before the court below within six weeks from the date of communication of this order, let her be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-V, Begusarai in connection with Bakhri P.S. Case No. 106 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and with further conditions --

(i) That one of the bailors shall be a close relative of petitioner no. 1.

(ii) That petitioner no. 1 shall not indulge in any similar offence till conclusion of the trial.

(iii) That petitioner no. 1 will be well represented in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, her bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) That petitioner no. 1 shall cooperate with the investigation, if not already concluded, and make herself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

BT/Chandran

(Vikash Jain, J)

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