

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.77177 of 2018

Arising Out of PS. Case No.-114 Year-2018 Thana- BAUSI District- Araria

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1. Hayat Ali
 2. Md. Sarique

Both are sons of Amzad Ali, resident of Village- Sonapur (Ghaghri), Police Station- Bousi, District- Araria.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Viveka Nand Singh, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 17-01-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 302/34 of the Indian Penal Code registered in connection with Bausi P.S. Case No. 114 of 2018.

3. It is submitted that the petitioners have been falsely implicated on mere suspicion except which there is no material to connect the petitioners with the alleged occurrence. The petitioners are similarly situated co-accused Bibi Aarish and Amzad Ali, father of the said Bibi Aarish, who have been granted anticipatory bail by a coordinate Bench of this Court vide order dated 21.12.2018 passed in Cr. Misc. No. 76869 of 2018. The petitioners are sons of said Amzad Ali and claim clean antecedents.

4. Having regard to the entirety of the facts and circumstances of the case, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bonds of Rs.10,000/- (ten



thousand) each with two sureties of like amount each to the satisfaction of Mr. Mithilesh Kumar, learned Additional Chief Judicial Magistrate, Araria, in connection with Bausi P.S. Case No. 114 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 of each of the petitioners shall be their close relatives.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioners shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioners shall cooperate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Vikash Jain, J)

BT/Chandran

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