

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30144 of 2019**

Arising Out of PS. Case No.-64 Year-2019 Thana- KADWA District- Katihar
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1. SUKUR ALI @ SUKURUDDIN @ MD. SUKURUDDIN, aged about 42 years, male, Son of Tamijuddin Resident of village- Sikorna, P.S. Kadwa, District- Katihar.
2. Maskoor @ Maskoor Alam, aged about 24 years, male, Son of Sukur Ali @ Sukuruddin @ Md. Sukuruddin Resident of village- Sikorna, P.S. Kadwa, District- Katihar.
3. Nasiruddin, aged about 22 years, male, son of Sukur Ali @ Sukuruddin @ Md. Sukuruddin Resident of village- Sikorna, P.S. Kadwa, District- Katihar.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Bimal Kumar, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 13-05-2019 Learned counsel for the petitioners states that the petitioner no. 1 has been arrested and as such the anticipatory bail petition has become infructuous and seeks permission to withdraw the same.

2. Permission is accorded. The anticipatory bail petition of petitioner no. 1 stands dismissed as withdrawn.

3. Heard learned counsel for the petitioners and learned APP for the State.

4. The petitioner nos. 2 and 3 apprehend their arrest for the offences alleged under Sections 341, 323, 379, 354(B),



504, 506/34 of the Indian Penal Code registered in connection with Kadwa P.S. Case No. 64 of 2019.

5. It is submitted that the petitioner nos. 2 and 3 have been falsely implicated and the accusations for the offences under Section 354(B) IPC against the petitioners who are the father and his two sons, is highly improbable. There is no injury report to support the accusation of *mar-peat*. The further accusation for the offence under Section 379 IPC is mere embellishment. There is delay in institution of the F.I.R. on 02.03.2019 for the alleged occurrence of 28.02.2019. The petitioner nos. 2 and 3 claim clean antecedents.

6. Be that as it may, in the event of the petitioner nos. 2 and 3 arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner nos. 2 and 3 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 Chief Judicial Magistrate, Katihar in connection with Kadwa P.S. Case No. 64 of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions -

(i) That one of the bailors of each of the petitioners shall be their close relative other than the petitioner nos. 2 and 3 herein.

(ii) That the petitioner nos. 2 and 3 shall not indulge in



any similar offence till conclusion of the trial.

(iii) That the petitioner nos. 2 and 3 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.

(iv) That the petitioner nos. 2 and 3 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.

(Vikash Jain, J)

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