

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43906 of 2019

Arising Out of PS. Case No.-62 Year-2008 Thana- KRITYANAND NAGAR District- Purnia

1. BIBI JUMERA KHATOON @ JUBERA KHATOON @ GOLKI W/o Md. Firoz R/o village- Jhunni Istambrar, P.S.- K. Nagar, District- Purnea
2. Md. Firoz S/o Md. Akhtar R/o village- Jhunni Istambrar, P.S.- K. Nagar, District- Purnea

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bijendra Kumar Singh

For the Opposite Party/s : Dr. (Mrs.) Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 17-07-2019

Heard learned counsel for the parties.

This application for anticipatory bail arises out of Suppl. K. Nagar P.S. Case No. 62 of 2008 for the offence under Sections 363, 366 and 367 of the Indian Penal Code.

Learned counsel appearing on behalf of the petitioners has submitted that the main allegation in the First Information Report is against co-accused Md. Taiyab and statement of the victim was recorded under Section 164 of the Cr.P.C., in which also she has not disclosed the petitioners' name of being anyway involved in commission of the offence.

Learned counsel appearing on behalf of the petitioners has further submitted that the main accused Md. Taiyab has been finally acquitted at the trial.



Learned Additional Public Prosecutor, opposing the prayer for anticipatory bail, has submitted that the petitioners do not deserve the privilege since they have approached this Court nearly 11 years after lodging of the First Information Report. She has also submitted that processes under Section 82/83 of the Cr.P.C. have been issued against these petitioners.

Considering the facts and circumstances of the case, I am not inclined to grant the petitioners privilege of anticipatory bail. This application is accordingly rejected.

However, the petitioners are directed to surrender before the Court below within a period of four weeks from today and seek regular bail, if so advised. If they do so, their application for regular bail shall be considered by the learned Court below on its own merit without being prejudiced by rejection of present application for grant of anticipatory bail, on the same day, keeping in mind the fact that the co-accused Md. Taiyab has been acquitted.

(Chakradhari Sharan Singh, J)

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