

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34976 of 2018

Arising Out of PS. Case No.-18 Year-2012 Thana- KISHUNPUR District- Supaul *

1. Md. Rajjak, Son of Late Md. Kismat,
2. Md. Naushad, Son of Late Md. Salamat,
Both are resident of Village- Wela Tedha, P.S.- Kishanpur, District-
Supaul.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Smt. Pushpa Sinha

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

6 08-03-2019 Heard learned counsel for the petitioner and the
learned counsel for the State.

The petitioners are renewing his prayer for pre-arrest bail on the terms that the main allegation against the petitioners was that the petitioners had escaped from the custody of the police by making use of other co-accused persons. Since, they have fled from the custody of the police, he is not entitled the privilege of bail.

The allegation against both the petitioners was that they had been involved in another case for which the police had gone to arrest and having escaped, they do not deserve the privilege of pre-arrest bail.



Learned counsel for the petitions submits that in view of the fact that both the petitioners undertake to appear in the Court below as and when required in both cases in which allegations have been levelled against them. He further submits that the petitioners may be extended the privilege of pre-arrest bail for which they are willing to co-operate with the prosecution and the Court below.

Having heard learned counsel for the petitioners and learned counsel for the State and considering the fact that a judgment passed by Hon'ble Supreme Court reported in AIR 2010 SC 1225 has stated that anticipatory bail application would be maintainable, let the petitioner No.1 and 2 in the event of their arrest or surrender before the Court below within a period of four weeks from the date of receipt of this order, 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 learned Chief Judicial Magistrate, Supaul, in connection with Kishanpur P.S. Case No.18 of 2012, subject to following condition :-

- (1) One of the bailors will be their own blood relative, preferably, mother, brother, sister and/or their wife.
- (2) The petitioners shall not indulge themselves in any



similar offence till conclusion of the trial.

(3) 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 reasons, their bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioners shall co-operate 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.

It is made clear that in the event, if the petitioners do not cooperate in the trial, it shall be open to the prosecution to take appropriate steps for cancellation of their bail.

(Anjana Mishra, J)

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