

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74393 of 2018

Arising Out of PS. Case No.-103 Year-2018 Thana- BABUBARHI District- Madhubani

1. Md. Ayub Sah Son of late Mohit Sah
2. Md. Tabraj Alam Son of Md. Ayub Sah
Both the resident of Village Dudhahi, P.S. Babubarhi, District Madhubani.

... .. Petitioners

Versus

1. The State Of Bihar
2. Sahishta Pravin D/o Md. Anjar Ahmed, resident of village Baruar, P.S. Babubarhi, District Madhubani

... .. Opposite Parties

Appearance :

For the Petitioners : Mr. Subhash Kumar Jha, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 11-03-2019 At the very outset, learned counsel for the petitioners, states that petitioner no. 2, namely, Md. Tabraj Alam has since been arrested by the police and as such, the instant prayer for grant of anticipatory bail has become infructuous. Accordingly, he seeks permission to withdraw this petition.

2. As prayed, the anticipatory bail petition, as against petitioner no. 2, namely, Md. Tabraj Alam, is permitted to be withdrawn and stands dismissed as such.

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

4. Petitioner No. 1 apprehends his arrest for the offences alleged under Sections 341, 323, 324, 304, 498A, 379 and 34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act registered in connection with Babubarhi P.S. Case No. 103 of 2018.

5. It is submitted that petitioner no. 1 has been falsely implicated merely because he happens to be father-in-law of the informant's daughter. It is submitted that the petitioner no. 2 is the



husband of the opposite party no. 2 and has since been granted bail by the learned court below. The petitioner no. 1 assures to co-operate and ensure that all the parties live together harmoniously. Petitioner no. 1 claims clean antecedents.

6. Be that as it may, in the event of arrest or surrender of petitioner no. 1 before the court below within six weeks from the date of communication of this order, let him 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 III, Madhubani in connection with Babubarhi P.S. Case No. 103 of 2018, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with further conditions --

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

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

(iii) That the petitioner no. 1 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, his 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 himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

BT/-

(Vikash Jain, J)

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