

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2008 of 2020**

Arising Out of PS. Case No.-151 Year-2019 Thana- ASHOK PAPER MILL District-
Darbhanga

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1. Kaniz Fatima @ Soni Wife of Syed Rashid Abbas Resident of Village - Chandanpatti, Hayaghat, Ward No. 4, P.S.- Ashok Paper Mills, District- Darbhanga (Bihar)
 2. Syed Rashid Abbas Son of Syed Hasan Abbas Resident of Village - Chandanpatti, Hayaghat, Ward No. 4, P.S.- Ashok Paper Mills, District- Darbhanga (Bihar)
 3. Syed Gulfam Ali Son of Syed Quaishar Ali @ Quaishar Ali Resident of Village - Chandanpatti, Hayaghat, Ward No. 4, P.S.- Ashok Paper Mills, District- Darbhanga (Bihar)
 4. Syed Kaif Ali Rizvi @ Syed Ashar Ali Son of Syed Rashid Abbas Resident of Village - Chandanpatti, Hayaghat, Ward No. 4, P.S.- Ashok Paper Mills, District- Darbhanga (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra, Advocate
For the Opposite Party/s : Mr.Pranav Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 25-02-2020 Learned counsel for the petitioners seeks permission to withdraw the anticipatory bail petition of petitioner no. 3, as during pendency of this case petitioner no. 3 has already been arrested.

Prayer is allowed. The anticipatory bail petition of petitioner no. 3 is dismissed as withdrawn being infructuous.

Heard learned counsel for the petitioners and learned A.P.P for the State.



The petitioner no. 1, petitioner no. 2 and petitioner no. 4 apprehend their arrest in **Ashok Paper Mills (Pator O.P.) P.S. Case No. 151 of 2019**, registered for the offence punishable under Sections 448, 354(C), 354(D), 504, 506 and 34 of the Indian Penal Code and section 66(A) of the Information Technology Act.

It is submitted that petitioners have falsely been implicated in this case. Specific allegation of sending indecent and obscene message on the mobile of daughter of the informant is against co-accused Azfar Ali and petitioners are family member of Azfar Ali. There is general and omnibus allegation against all the petitioners. Petitioners have got clean antecedent.

Learned A.P.P vehemently opposed the prayer for bail of the petitioners.

Considering the facts aforesaid, Petitioner no. 1, petitioner no. 2 and petitioner no. 4 above-named, in the event of their arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on 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 **Additional Chief Judicial Magistrate Vth, Darbhanga** in



connection with **Ashok Paper Mills (Pator O.P.) P.S. Case No. 151 of 2019**, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with further conditions:-

(i) The petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, their bail bonds shall be liable to be cancelled by the court below.

(ii) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Prabhat Kumar Singh, J)

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