

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.13992 of 2019**

Arising Out of PS. Case No.-99 Year-2018 Thana- VAISHALI District- Vaishali

1. Eainul Shah @ Md. Sainul Shah Son of Sadique Shah Resident of village-Vaishali, P.S.-Vaishali, District-Vaishali.
2. Jainul Sah Son of Sadique Shah Resident of village-Vaishali, P.S.-Vaishali, District-Vaishali.
3. Mainul Sah Son of Husseni Shah Resident of village-Vaishali, P.S.-Vaishali, District-Vaishali.
4. Salim Shah Son of Mainul Shah Resident of village-Vaishali, P.S.-Vaishali, District-Vaishali.
5. Shamim shah Son of Mainul Shah Resident of village-Vaishali, P.S.-Vaishali, District-Vaishali.
6. Milan shah @ Milanhsh Son of Taiyab Shah Resident of village-Vaishali, P.S.-Vaishali. District-Vaishali.
7. Raktu Shah @ Raktu Son of Nazrul Shah @ Late Shamshul Shah Resident of village-Vaishali, P.S.-Vaishali, District-Vaishali.
8. Kalim Shah @ Md. Kalim Son of Sadique Shah Resident of village-Vaishali, P.S.-Vaishali, District-Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Lovekush Kumar, Advocate

For the Opposite Party/s : Mr.Shyam Bihari Singh, APP

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

6      13-02-2020                      It is informed on behalf of petitioners that during pendency of this case, Kalim Shah @ Md. Kalim petitioner no. 8 has already been arrested, therefore, learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application of petitioner no. 8.

Prayer is allowed. The anticipatory bail petition of



petitioner no. 8 is dismissed as withdrawn being infructuous.

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

The petitioners apprehend their arrest in **Vaishali P.S. Case No. 99 of 2018**, registered for the offence punishable under Sections 147, 148, 447, 341, 323, 354, 436, 504 and 506 of the Indian Penal Code.

Prosecution case in brief is that on 04.05.2018, all the accused persons came to the house of informant Gulshan Khatoon and said that you are living with Hindu and Eainul Shah (petitioner no. 1) ordered to assault the informant. Milan Shah (petitioner no. 6) caught her hair and pulled her down and Jainul Shah (petitioner no. 2) tried to outrage modesty of the informant. When the husband of informant returned to home, all the accused persons assaulted him and on the order of Milan Shah, the accused persons set the house of informant on fire.

It is submitted on behalf of the petitioners that petitioners have falsely been implicated in this case due to enmity. There is case and counter case.

Considering the facts aforesaid, the petitioner nos. 1, 2, 3, 4, 5, 6 and 7 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 **Chief Judicial Magistrate, Vaishali at Hajipur** in connection with **Vaishali P.S. Case No. 99 of 2018**, 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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