

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.12749 of 2013**

- =====
1. Md. Jamshed @ Jamshed, son of Md. Kari
  2. Md. Tahir, son of Md. Taslim
  3. Md. Taiyab, son of Md. Muslim wrongly described in F.I.R. as Son of Md. Taslim
  4. Md. Faiyim wrongly described Md. Farhum, son of Md. Muslim
  5. Md. Manjoor, son of Md. Khur Shaid
  6. Md. Munna, son of Md. Jakir
  7. Md. Abid, son of Md. Jakir
  8. Md. Sharif, son of Md. Jamshed wrongly described as son of Md. Javed
  9. Md. Jumarati, son of Md. Jamsed
- All of village Hathapur, P.S. Basopatti, Distt. Madhubani.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Yugal Kishor Yadav, Adv.  
Mr. P.R. Thakur, Adv.

For the State : Mr. Anant Kumar, A.P.P.


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**CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH**  
**ORAL ORDER**


3      31-07-2013                      Heard learned counsel for the Petitioners and the State.

The Petitioners No. 1, 4, 5, 6, 7, 8 and 9 were allowed bail whereas the case diary was called for with regard to Petitioners No. 2 and 3 by an order dated 14.5.2013.

Considering that Petitioners No. 2 and 3 are in custody since 7.11.2012 and before the present occurrence, they were not accused in any other case, let Petitioners No. 2 and 3 namely, Md. Tahir, son of Md. Taslim and Md. Taiyab, son of Md. Muslim, be released on bail on furnishing bail bond of Rs.



5,000/- (Five thousand) each with two sureties of the like amount each or any other surety to be fixed by the Court below to the satisfaction of Chief Judicial Magistrate, Madhubani, in connection with Basopatti P.S. Case No. 180 of 2012, G.R. No. 3150 of 2012 subject to the following conditions: (i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners and the other shall be the father/brother of the Petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners. (ii) That the bailor shall also state on affidavit that he will inform the court concerned if the petitioners are implicated in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse. (iii) That the petitioners will give an undertaking that they will receive the police papers on the given date and be present on date fixed for charge and if they fail to do so on two given dates and delay the trial in any manner, their bail will be liable to be cancelled for reasons of misuse. (iv) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled.



In view of the nature of dispute, the Petitioners No. 2 and 3 are directed to appear before the Superintendent of Police, Madhubani, within fifteen days of their release with a copy of this order and every two weeks thereafter for the next six months. The conduct of the Petitioners will be kept under watch in this period by the Superintendent of Police concerned and if it is found wanting in any respect, a report shall be made to the court concerned by him to initiate a proceeding for cancellation of bail for reasons of misuse of bail. After reporting to the Superintendent of Police, a certificate will be filed by the Petitioners before the court concerned.

**S.Ali**

**(Anjana Prakash, J)**