

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4529 of 2015

Arising Out of PS.Case No. -89 Year- 2014 Thana -JOKIHAT District- ARRARIA

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Sadique Alam son of Mobinul resident of Village - Masuria; Police Station - Mahalgaon; District - Araria.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kailash Nath Diwakar, Advocate.

For the Opposite Party/s : Mrs. Rita Verma (APP)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

4 02-07-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under Sections 406, 409, 420, 467, 468 and 471/34 of the Indian Penal Code and the fact that the petitioner, being Mukhiya, is said to have been a party in misappropriating/causing loss to the Government money in the purchase of solar light and that such scam was surfaced under the order of this Court in a public interest litigation, this Court is reluctant to grant privilege of anticipatory bail to the petitioner, who is also facing similar allegation in yet another case.

Learned counsel for the petitioner however submits that the petitioner subject to the result of trial is ready to deposit half of the amount of assessed loss to the tune of Rs. 12 lacs, approximately for his being granted anticipatory bail.

Thus, if the petitioner, namely, Sadique Alam, surrenders within a period of three months from today and produces a receipt showing payment of Rs. 6 lacs by way of a bank draft to the Collector

of Araria District, the court below shall release him on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount to the satisfaction of the learned Sub Divisional Judicial Magistrate, Araria in connection with Jokihat (Mahalgaon) P.S. Case No. 89 of 2014 subject to the following conditions:

(i) That both the bailors will be close family relatives of the petitioner, who will undertake an affidavit giving genealogy as to how they are related with the petitioner. The bailors will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the affidavit shall clearly state that the petitioner is not accused in any other case and if he is, she shall not be released on bail.

(iii) That the bailors shall also state on affidavit that they will inform the court concerned, if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of his bail on the ground of misuse.

(iv) That the petitioner will be well represented on each and every date in course of trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled on this ground alone.

Sujit/-

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(Mihir Kumar Jha, J)