

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45098 of 2014

Arising Out of PS.Case No. -64 Year- 2014 Thana -NTPC KHAIRA District- AURANGABAD

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Khawaja Jahan Khan @ K.J. Khan Son of Late Namat Ali Khan Resident of
Village - T.T.P.S. Lalpaniyan, P.O. and P.S. Lalpanya, District - Bokaro
(Jharkhand)

.... Petitioner/s

Versus

1. The State of Bihar
2. Sri Krishna Kant Srivastava, Manager, U.B. Engineering Works Ltd.
N.T.P.C. Nabinagar, P.S.- N.T.P.C. Khaira, District- Aurangabad.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shakib Ayaz, Advocate.

For the Opposite Party/s: Mr. Renuka Ratnakar(App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

4 07-05-2015 Heard learned counsel for the parties.

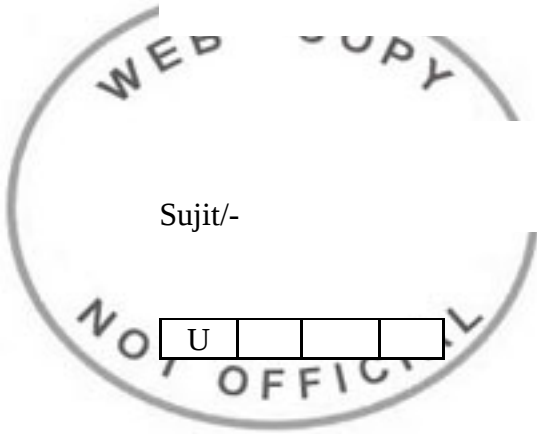
Having regard to the nature of allegation against the petitioner for offence under Sections 406/420 of the Indian Penal Code and the admitted position that the petitioner was a sub-contractor of the Opposite Party No. 2 and that the monetary transaction, either with regard to labour payment engaged by the petitioner on behalf of the Opposite Party No. 2 or the remuneration payable to the sub-contractor, the petitioner, is the subject matter of the present case, this Court, keeping view that the same is out and out a civil dispute and in fact capable of being resolved under arbitration as per the agreement between the Opposite Party no. 2, the contractor and the petitioner, a sub-contractor and also keeping in view that the petitioner has got no criminal antecedent, would be inclined to grant privilege of anticipatory

bail to the petitioner.

That being so, if the petitioner, namely, Khwaja Jahan Khan @ K.J.Khan surrenders before the court below within a period of four weeks from today, he shall be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad in connection with N.T.P.C. Khaira P.S.Case No. 64 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, he 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)