

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35660 of 2014

Arising Out of PS.Case No. -97 Year- 2014 Thana -ARARIA District- ARRARIA

Md. Shaharyar Khan @ Shaharyar Khan @ Mahtab Alam Son of Md. Faiyaz Khan resident of Islam nagar Ward No.-27, Idgah Road Araria, Police Station AND District- Araria, the then Branch Manager, Apna Pariwar Agro Farming Developers India Limited, Branch, Araria

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.3410 of 2015

Arising Out of PS.Case No. -97 Year- 2014 Thana -ARARIA District- ARRARIA

Praveen Kumar Deo S/O Shivsharan Lal Deo Resident of vill-Battabari,P.S- Forbesganj,Distt.-Araria

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.2855 of 2015

Arising Out of PS.Case No. -97 Year- 2014 Thana -ARARIA District- ARRARIA

Md. Rizwan Ahmad S/o Abdul Karim @ Karim Resident of Village - Mirzabag, P.S. AND District - Araria.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 27-03-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation against



the petitioners for the offences punishable under Sections-406, 417, 418, 420, 421, 424, 465, 468, 201 and 120B of the Indian Penal Code while this Court is not inclined to grant anticipatory bail to the petitioners, a prayer has been made by learned counsel for the petitioners in all these three cases that they are ready to deposit the amount of alleged defalcation to the tune of Rs. 1,17,000/- subject to its return to them in the event of their clean acquittal the pending trial against them.

Considering the fact that all the petitioners have got no criminal antecedent and they are also prepared to deposit the amount alleged to be misappropriated by them as per the statement in the First Information Report, this Court would direct that if the petitioners, namely, **Shaharyar Khan @ Shaharyar Khan @ Mahtab Alam, Praveen Kumar Deo and Md. Rizwan Ahmad** surrender within a period of four weeks from today, would be released 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 Chief **Judicial Magistrate, Araria** in connection with **Araria P.S. Case No. 97 of 2014** subject to the conditions laid down under Section- 438 (2) Cr. P.C and also subject to the following conditions:-

(i) Each of the three petitioners shall deposit sum of Rs. 40,000/- per head which then shall be kept by the trial Court in Fixed Deposit in a nationalized bank or in the Post Office and its refund to them would abide by the result of the trial and their earning clean acquitted in such trial. In case the petitioners or anyone of them is connected or acquitted by way of benefit of doubt the amount deposited by them to the extent of their share of Rs. 40,000/- with interest earned on the same in the fixed deposit shall be entrusted to the State Government.

(ii) That both the bailors will be close relative of the petitioners who will give an



affidavit giving genealogy as to how they are related with the petitioners. The bailors will also undertake to inform the Court if there is any change in the address of the petitioners.

(iii) That the bailors shall also state on affidavit that they 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 their bail on the ground of misuse.

(iv) That the petitioners will give an undertaking that they will receive the police papers on the given date and be present on the date fixed for charge and if they fail to do so on two given dates and delays the trial in any manner, their bail will be liable to be cancelled for reasons of misuse.

(v) That the petitioners will be well represented on each and every date of trial and if

they fail to do so on two consecutive dates, their bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

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