

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16448 of 2015

Arising Out of PS.Case No. -302 Year- 2014 Thana -AMAUR District- PURNIA

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1. Arun Kumar Sah son of Bachchanlal Sah of village - Gyandov, P.S. - Amour, District - Purnea.
 2. Md. Shahid @ Md. Shahid Alam son of Sk. Karim of village - Amour, P.S. - Amour, District - Purnea.
 3. Md. Imtiyaj son of Md. Yunus of village - Amour, P.S. - Amour, District - Purnea.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Dr. Bidhu Ranjan, Adv.

For the Opposite Party/s : Mr. Shakir Ahmad(APP)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 09-07-2015

Heard learned counsel for the parties.

Having regard to the nature of offence under Sections 323, 379, 384, 354A, 504, 420, 406, 120B of the Indian Penal Code and the fact that the complainant got robbed of a sum of Rs. 42000/- by unlicensed non-banking company having link with the petitioners either by way of promoter or agent, this Court is not inclined to grant privilege of anticipatory bail to the petitioners.

Learned counsel for the petitioners, in such a situation, comes out with an offer that the amount of Rs. 42,000/- shall be paid by the petitioners to the Informant, namely, Md. Nasim, by making it subject to the result of the criminal case.

That being so, if the petitioners, namely, 1. Arun



Kumar Sah, 2. Md. Shahid @ Md. Shahid Alam and 3. Md. Imtiyaj surrender within a period of four weeks from today and deposit a bank draft of Rs. 42,000/- in the name of informant Md. Nasim, they shall 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, Purnea in connection with Amour P.S. Case No. 302 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to following conditions:-

(i) Such bank draft of Rs. 42,000/- shall be handed over by the court below to the Informant Md. Nasim but, then, its final retention by the Informant shall depend on the outcome of the trial. In other words, if the petitioners are not held guilty in trial the amount of Rs. 42,000/- will be returned by the Informant to the petitioners but, on the other hand, if the petitioners are held guilty in trial, the amount of Rs. 42,000/- shall be refunded by the Informant to the petitioners.

(ii) That both the bailors will be a close relative of the petitioners, who will undertake 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 affidavit shall clearly state that the petitioners are not an accused in any other case and if they are, they shall not be released on bail.

(iv) 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.

(v) That the petitioners will be well represented on each and every date in course 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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