

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18559 of 2015

Arising Out of Complaint.Case No. -248 Year- 2013 District- AURANGABAD

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Minhaj Alam S/o - Syed Mohiuddin , R/o - Moh :- Dafli Tola Purani
Sahar, Ward No. 3, P.S.- Daudnagar, District- Aurangabad.

.... Petitioner

Versus

1. The State of Bihar

2. Sarwan Yadav son of Late Munarika Yadav resident of Village-
Bhaluwar, P.O. - Darwa , P.S. - Upara, District- Aurangabad- 824101.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar Singh

For the Opposite Party/s : Mr. S.Dayal(App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 15-06-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioner for offence under section 420 of the Indian Penal Code and the fact that the only a dispute with regard to non-furnishing of accessories of the tractor to the complainant- O.P.No.2 by the firm of which the petitioner claims to be the Manager and that the said tractor has already been seized by the Bank on account of non-payment of EMI by the complainant as well as the fact that the complainant had also filed a criminal case against the officials of the Bank and in fact has also moved the Consumer Forum against the officials of the Bank, this Court taking into account that the petitioner also has got no criminal antecedent would be inclined to grant privilege of anticipatory bail.



That being so, if the petitioner, Minhaj Alam, 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/- (ten thousand) with two sureties of the like amount each to the satisfaction of the S.D.J.M., Daudnagar, Aurangabad in Complaint Case No. 248/2013, subject to the following conditions:

(i) That the court below shall make verification of criminal antecedent of the petitioner and if it is found that he is accused in any other criminal case, he shall not be granted bail and would be taken into custody.

(ii) That both the bailors will be a close relative of the petitioner who will give 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.

(iii) That the bailor shall also state on affidavit that he 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 bail on the ground of misuse.

(iv) That the petitioner will be well represented on

each and every date 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.

(Mihir Kumar Jha, J)

surendra/-

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