

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26865 of 2014

Arising Out of PS.Case No. -98 Year- 2009 Thana -MOTIHARI CITY District-
EASTCHAMPARAN(MOTIHARI)

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1. Birbal Mehta @ Birbal Mahto S/o Late Ram Prasad Mehta @ Ram
Swaroop Mehta Mohalla - Sultan Pokhar, P.O. + P.S. Farbisganj, District -
Araria

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Avanindra Kumar Jha

For the Opposite Party/s : Mr. R.P.S.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 12-08-2015 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 467, 468, 471, 420, 120(B) IPC registered in
connection with Motihari Town P.S. Case No. 98 of 2009/Tr. No. 2654 of
2013.

3. It is submitted that the petitioner has been falsely
implicated and has not even been named in the FIR. The dispute is
between the informant and his maternal uncle Basudeo Jaiswal who
along with one Sushila Devi created a forged and fabricated power of
attorney in favour of one Gaus Mohammad from whom the petitioner
purchased the land in question. It is submitted that the petitioner is the
victim in the transaction rather than a perpetrator of any offence. The
informant's uncle Basudeo Jaiswal and one Sushila Devi had been

granted bail.

4. Learned counsel for the informant appears suo motu and opposes the prayer for anticipatory bail.

5. Having regard to the entirety of the facts and circumstances of the case, the provisional anticipatory bail granted to the petitioner by order dated 07.11.2014 pending in the Court of learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Motihari Town P.S. Case No. 98 of 2009/Tr. No. 2654 of 2013 is hereby confirmed subject to the following further conditions:

(i) The petitioner shall cooperate with the investigation and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(ii) The petitioner shall remain physically present as and when required during trial and in the event of failure on two consecutive dates, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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