

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25252 of 2015

Arising Out of PS.Case No. -104 Year- 2014 Thana -GOGRI District- KHAGARIA

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Bijay Kumar Khetan son of Late Mohan Lal Khetan, resident of Jamalpur Gogari, P.S. Gogari, District- Khagaria, at present 88 College Road, Hawarah Municipal Corporation, P.S.- Sahibpur, Hawarah (West Bengal)

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N.K.Agrawal, Advocate.
Mr. B.N.Tiwari, Advocate.
Mr. Vijay Anand, Advocate.

For the Opposite Party/s: Mr. B.N.Pandey(App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 26-08-2015

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 admitted position that a sum of Rs. 2,50,000/- was paid to the petitioner by the informant Ratan Kumar Narnoliya and a sale deed was also executed by the petitioner on 10.06.2014, this Court would find that whatever allegations have been made against the petitioner, was capable of being gone in a proper manner in a suit for specific performance instead of filing of police case.

Be that as it may, the petitioner having no criminal antecedent as asserted in para-3 of the bail application, this Court would be inclined to grant privilege of anticipatory bail. That being so, if the petitioner, namely, Bijay Kumar Khetan, 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 each to the satisfaction of the learned Judicial Magistrate,

1st Class, Khagaria in connection with Gogari P.S. Case No. 104 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.

(Mihir Kumar Jha, J)

Sujit/-

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