

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.34950 of 2016

Arising Out of PS.Case No. -57 Year- 2016 Thana -BETTIAH TOWN District-
WESTCHAMPARAN(BETTIAH)

1. Pittu Khan son of Afsar Khan, resident of mohalla- Baswariya, Police
Station- Bettiah Town, District- West Champaran.

..... Petitioner/s
Versus

1. The State of Bihar

..... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate

For the Opposite Party/s : Mr. Sri Ataur Rahman, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 07-09-2016 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner apprehends his arrest in connection with
Trial No. 381 of 2015 arising out of Bettiah Town P.S. Case No.
57 of 2006 registered for the offence under Sections 420 and 406
of the Indian Penal Code in which cognizance has been taken
under Sections 420, 406, 120 (B) of the Indian Penal Code.

The prosecution case is that the informant Noor
Hoda Khatoon filed an application before the Superintendent of
Police, West Champaran at Bettiah alleging therein that one Noor
Hoda cheated her and her husband as he took Rs. 28,000/- for
preparing g passport but neither he gave passport nor returned the

money.

It has been submitted by the learned counsel for the petitioner that the said co-accused Noor Hoda has already deposited Rs. 28,000/- and compromised the case with the informant, on the basis of which he has been granted bail by the learned Court below on 12.06.2007 itself. He submits that he is not named in the F.I.R. and during investigation it was found that there was some association of the petitioner with co-accused Noor Hoda, hence warrant of arrest has been issued against him. He submits that he has no concern with the co-accused nor he has been involved in the said offence. He also submits that he has no criminal history as is evident from para-3 of this application.

However, learned counsel for the petitioner submits that although the petitioner is not named in the F.I.R. but during investigation his name surfaced, hence, opposes the prayer for bail.

Be that as it may, since there is already compromise between the informant and the co-accused against whom allegations have been made and the money has been received by the informant, let the petitioner, named above, in the event of his arrest or surrender before the learned Court below within a period of eight weeks from today, be released on bail on

furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st class, Bettiah, District- West Champaran in connection with Trial No. 381 of 2015 arising out of Bettiah Town P.S.Case No. 57 of 2006, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

(Nilu Agrawal, J)

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