

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31204 of 2016

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

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1. Abu Nasar Son of Late Md. Islam @ Bhola
2. Sabana Azami @ Sabni Wife of Abu Nasar, Both R/o village- Gyandov,
P.S.- Amour, District- Purnea.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Ashok Kumar Jha, Advocate

For the State : Mr. Sri Umeshnand Pandit, APP

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 10-08-2016 Heard learned counsel for the petitioners and the State.

Petitioners apprehend their arrest in a case registered for the offences punishable under sections 323, 379m 384m 354Em 504m 420m 406 and 120B of the Indian Penal Code.

It is contended on behalf of the petitioners that they are not named in the complaint petition which was later on sent to the police for investigation under section 156(3) of the Code of Criminal Procedure and after lodging of the First Information Report, in his restatement before the police, the informant has taken the names of the petitioners to be the office bearers of the concerned company, however, later on it has come in investigation that Md. Alam and Md. Mojib have stated that their money have already been returned by the petitioners. It is submitted that co-



accused Arun Kumar Sah, Md. Shahid alias Md. Shahid Alam and Md. Imtiyaj have already been granted anticipatory bail by a Coordinate Bench of this Court vide Annexure 3 on the condition that Rs. 42000/-, which has been claimed to have been embezzled by co-accused Arun Kumar Sah, will be deposited in the name of the informant by way of a bank draft.

Having regard to the facts and circumstances of the case, let the abovenamed petitioners, namely, Abu Nasar and Sabana Azami @ Sabni, be released on bail in the event of arrest/surrender before the court below within a period of six weeks from today in Amour Police Station Case No. 302 of 2014 on furnishing bail bonds of Rs.10,000/- (Ten Thousand Rupees) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Purnea, subject to the conditions laid down under sub-section (2) of Section 438 of the Code of Criminal Procedure and also subject to the following conditions:

(i) Both the bailors will be close relatives 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.

(ii) The affidavit shall clearly state that the petitioners

are not accused in any other case and if they are, they shall not be released on bail.

(iii) 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.

(iv) 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 bonds will be liable to be cancelled on this ground alone.

(Dr. Ravi Ranjan, J)

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