

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50541 of 2017

Arising Out of PS.Case No. -129 Year- 2014 Thana -ARIYARI District- SEKHPURA

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1. Mozaffar Imam @ Md. Mozaffar Imam, Son of Md. Mohiuddin Khan, Resident of 7360/76, Opp- Surya Sadan Indrapuri Colony, P.S.- Shastri Nagar, District- Patna.
 2. Md. Shahnawaz Alam @ Md. Shahnawaz, Son of Jaiur Rahman, Resident of Village- Karimganj, P.S.- Karimganj, District- Gaya.
 3. Md. Kalim, Son of Md. Enamul @ Md. Ainul Haque, Resident of Village- Bandha, P.S.- Amrai Nawadah, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamal Kumar Sinha

For the Opposite Party/s : Mr. Sri Sakir Ahmad

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 28-11-2017

Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Ariyari P.S. Case No. 129 of 2014 instituted for the offence under Sections 419, 420 and 406 of the Indian Penal Code.

It is submitted that informant is the agent of Praslin Industries Ltd. Non-banking since 2011. Several customers have deposited money in the company through the informant and now company is ready to return the land instead of money but customers are not ready to take the land.

Learned counsel for the petitioners has submitted that there was no intention to cheat the customers by the petitioners, who are said to be the office bearers of the said company as they were always ready



to give the land in stead of money. None of the customers had lodged any complaint against the petitioners. Similarly situated other co-accused have already been granted bail in Criminal Misc. No. 31548/16 on 30.08.2016 by a co-ordinate Bench of this Court.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioners named above in the event of their arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Ariyari P.S. Case No. 129 of 2014 to the satisfaction of learned Sub-divisional Judicial Magistrate, Sheikhpura subject to condition as laid down u/s 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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