

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39737 of 2017

Arising Out of PS.Case No. -306 Year- 2014 Thana -KISHANGANJ District- KISANGANJ

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Md. Sartaj Alam @ Sartaj Alam Son of Zahrul Haque, resident of Village-
Barchaundi, Police Station- Powakhali O.P. in the district of Kishanganj.

.... Petitioner.

Versus

The State of Bihar

.... Opposite Party.

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Appearance :

For the Petitioner/s : Mr. Rajnish Kumar

For the State : Sri Anuj Kumar Srivastava, APP.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 30-08-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Kishanganj P.S. Case No. 306 of 2014 instituted for the offence under Sections-419, 420 of the Indian Penal Code and Sections-3 & 4 of Bihar Conduct Examination Act, 1981.

It has been submitted that the petitioner is not named in the written report. There is allegation that in place of this petitioner, one Enamul Haque was appearing in the examination of Fokaniya. Counsel for the petitioner has further submitted that on the date of occurrence, the petitioner did not appear in the alleged examination.

In the written report itself, it is mentioned that in place of petitioner, one Enamul Haque was found giving the examination.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner named above in the event of his



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 in Kishanganj P.S. Case No. 306 of 2014 to the satisfaction of learned Chief Judicial Magistrate, Kishanganj 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) petitioner 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 petitioner and (3) if petitioner tampers 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 petitioner.

(Sanjay Priya, J)

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