

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39218 of 2017

Arising Out of PS.Case No. -31 Year- 2017 Thana -AMAUR District- PURNIA

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1. Md. Asfaque @ Asfaque Alam, son of late Alimuddin, R/o Village-Shagaon, P.S.- Routa, District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Sinha, Advocate

For the Opposite Party/s : Mr. Amitesh Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 13-09-2017

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner apprehends his arrest in Amour P.S. Case No.31 of 2017 instituted for the offence under Section(s) 406, 420 Indian Penal Code.

Counsel for the petitioner has submitted that from the written report itself it will appear that there was no demand of money made by petitioner for sending the son of the informant to Saudi Arabia.

The Informant has alleged in the written report that she gave rupees one lac to her neighbour, Md. Ashfaque, (petitioner) along with original passport of her son on the assurance that he will send her son to Arab country.

Counsel for the petitioner has pointed out Annexure-



2, which shows that earlier ticket of son of the informant was booked in 2016 itself for going to Saudi Arabia, but he was not ready to go there and he lost his job due to his own fault.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with Amour P.S. Case No.31 of 2017, he shall be released on anticipatory bail on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, Purnea, subject to the conditions as laid down under Section 438(2) 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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