

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20816 of 2017

Arising Out of PS.Case No. -196 Year- 2016 Thana -BARAULI District- GOPALGANJ

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Mir Hassan Mian S/o late Abdul Aziz Mian Resident of Village- Rampur
Baghegi, P.S. Barauli, District- Gopalganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Dewendra Narayan Singh, Adv

For the Opposite Party/s : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 19-08-2017 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner is in custody since 14.02.2017 in connection with Barauli P.S. Case No. 196 of 2016 for the alleged offences under Sections 363, 366 and 34 of the Indian Penal Code.

3. It is submitted that the petitioner has been falsely implicated and admittedly there is land dispute between the parties who happen to be own brothers. Similarly situated co-accused Nahab Mian, Noor Hassan Mian and Jainuddin Ansari @ Jainoddin Ansari have been granted anticipatory bail by this Court in Cr. Misc. No. 29740 of 2017.

4. Learned counsel for the informant appears *suo motu* and opposes the bail petition, submitting that from the FIR it is evident that the petitioner had been issuing threats to kidnap the informant's daughter in the past. A perusal of para 7 of the case diary in which the statement of the witness Yogendra Choudhary is recorded reveals that the informant himself has hidden away his daughter and lodged a false case against the petitioner and other



persons.

5. Be that as it may, having regard to the entirety of the facts and circumstances of the case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj connection with Barauli P.S. Case No. 196 of 2016 on the following conditions:-

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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