

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12155 of 2018

Arising Out of PS.Case No. -288 Year- 2015 Thana -NAWADA District- NAWADA

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Md. Reyaz Khan @ Reja Khan @ Riyaz Ahmad Khan Son of Late Manir Khan, Resident of Mohalla - Bari Dargah Par Nawada, P.S.- Nawada, District- Nawada.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Satish Kr. Sinha,
Mr. Javed Aslam, Advocates
For the State : Mr. Jitendra Kr. Singh, APP
For the Informant : Mr. Pramod Kr. Verma,
Mr. Arjun Prasad, Advocates

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 22-03-2018 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner is in custody since 02.01.2018 in connection with Nawada (Town) P.S. Case No. 288 of 2015 for the offences alleged under Sections 188, 406, 420/120B of the Indian Penal Code.

3. It is submitted that the petitioner has been falsely implicated as the plot of land sold by the petitioner is Khata No. 35 Plot No. 4552 measuring an area of 3 ¾ decimals to one Sahani Khatoon for consideration of Rs. 1,50,000/- whereas the allegation in the FIR is with reference to different plot of land bearing Khata No. 139 Plot No. 4551 measuring an area of 4 decimals and plot no. 4552 measuring an area of 3 decimals. It is further submitted that the petitioner was not impleaded as party in Title Suit No. 185 of 2010 and as such the decision therein is not binding on him. It is further submitted that the nature of transaction is of civil dispute.

4. Learned APP for the State assisted by learned



counsel for the informant appearing suo motu opposes the bail petition.

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, Nawada in connection with Nawada (Town) P.S. Case No. 288 of 2015, 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 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.

(iv) The petitioner shall cooperate 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.

B.T/-

(Vikash Jain, J)

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