

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6732 of 2019

Arising Out of PS. Case No.-372 Year-2018 Thana- CHANPATIA District- West Champaran

1. ASHMA KHATOON, w/o. Noor Mohammad@Hazi Noor Mohammad Saifi
Resident of Village- Janerwa, P.S.- Banjariya, District - East Champaran
2. Mahfooz Alam Noor, s/o. Mohammad @ Hazi Noor Mohammad Saifi
Resident of Village- Janerwa, P.S.- Banjariya, District - East Champaran
3. Noor Mohammad @ Hazi Noor Mohammad Saif, son of Late Abdul Rahman
Resident of Village- Janerwa, P.S.- Banjariya, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Shankar Shrivastava

For the Opposite Party/s : Mr.Sunil Kumar Pandey(App141)

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 07-03-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their for the offences alleged under Sections 420 IPC and Section 3 and 4 of the D.P. Act registered in connection with Chanpatia P.S. Case No. 372 of 2018.

3. It is submitted that the petitioners have been falsely implicated and there is no material to corroborate the claim of the informant of having paid any sum of money to the petitioner's side. The informant has mischievously filed two FIRs, the present one as well as Turkauliya (Banjariya) P.S. Case No. 599 of 2018 substantially for the same allegations at two different places, the present one having been instituted at Chanpatia. In any event, there is inordinate delay in instituting the FIR in the year 2018 for the alleged occurrence of about four years ago. Except the aforesaid Turkauliya (Banjariya) P.S. Case No. 599 of 2018 the petitioners claim clean antecedents.

4. Learned APP assisted by learned counsel for the informant



opposes the anticipatory bail petition.

5. Be that as it may, in the event of the petitioners arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned ACJM V, Bettiah, West Champaran in connection with Chanpatia P.S. Case No. 372 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

- i. That one of the bailors shall be a close relative of the petitioners.
- ii. That the petitioners shall not indulge in any similar offence till conclusion of the trial.
- iii. That the petitioners shall co-operate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.
- iv. The petitioner no. 1 shall be well represented and petitioner nos. 2 and 3 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, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

Chandran/-

U		T	
---	--	---	--

