

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11474 of 2019

Arising Out of PS. Case No.-227 Year-2018 Thana- HATHUA District- Gopalganj

1. MOHAMMAD JAVED AHMAD Son of Mohammad Imteyaj Ahmad. resident of Village- Khansama Tola, P.S.-Hathua, Dist-Gopalganj.
2. Aasif Ali, Son of Mohammad Ramjan. resident of Village- Khansama Tola, P.S.-Hathua, Dist-Gopalganj.
3. Jafar Ekbal, Son of Mohammad Jabib Samani. resident of Village- Khansama Tola, P.S.-Hathua, Dist-Gopalganj.
4. Saidur Rahman, Son of Mohammad Imteyaj Ahmad. resident of Village- Khansama Tola, P.S.-Hathua, Dist-Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajnish Kumar Choubey

For the Opposite Party/s : Mr.J.K.Singh

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 26-02-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 419,420,467,468,406,120B IPC registered in connection with Hathua P.S.Case No. 227 of 2018.

3. It is submitted that the petitioners have been falsely implicated and the petitioner no. 2 has purchase the subject land from the informant's cousin Shobel Akhtar after payment of consideration money. Petitioner nos. 2 and 3 are identifier and witness and petitioner no. 4 is brother of petitioner no.1. It is submitted that if at all the transaction in question is of civil nature and the sale in question has been made by the informant's cousin Shobel Akhtar against whom the offences alleged may be made out and not against the petitioners. The petitioner nos. 1, 3 and 4 have some criminal antecedents of different nature while petitioner no. 2 claims clean antecedents.



4. 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 petitioner 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 CJM, Gopalganj, in connection with Hathua P.S. Case No. 227 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 petitioners 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 bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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