

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21838 of 2019

Arising Out of PS. Case No.-130 Year-2014 Thana- DHAMDAHA District- Purnia

Kashim Sheikh, aged about 60 years, Gender-Male, son of Late Aziz Sheikh,
Resident of village-Amari Nawghariya Tola, P.S.- Dhamdaha, District- Purnea

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Uday Chand Prasad, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 18-07-2019 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 376/511 of the Indian Penal Code registered in connection with Dhamdaha P.S. Case No. 130 of 2014.

3. It is submitted that the petitioner has been falsely implicated in the backdrop of petty dispute. It is submitted that in any event, during course of investigation, police has submitted final form as evident from paragraph 6 of the order of learned Additional Sessions Judge 1st, Purnea dated 09.01.2019 passed in ABA No. 1341 of 2018 and differing from the same, cognizance has been taken against the petitioner, who claims clean antecedents.

4. Be that as it may, in the event of the petitioner's 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) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with Dhamdaha P.S. Case No. 130 of 2014, subject to the conditions as laid down under



Section 438 (2) of the Cr.P.C. and with further 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) That 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.

(Vikash Jain, J)

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