

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32867 of 2019

Arising Out of PS. Case No.-92 Year-2018 Thana- GWALPARA District- Madhepura

MD. NAWAZ KAREEM Son of Late Md. Usman Resident of Village -
Jhanjhri, P.S.- Gwalpara, Distt - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Parmeshwar Vishwakarma
For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 13-08-2019 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 406, 409, 420,120(B) of the Indian Penal Code registered in connection with Gwalpara P.S. Case No. 92 of 2018.

3. It is submitted that the petitioner has been falsely implicated and the petitioner has not been named in the FIR. The FIR has been instituted against two accused persons who are Sub Postmaster and Postman on the accusation that they have misappropriated the amounts of the depositors by depositing into different accounts and withdrawing the same by ATM card. The specific stand has been taken in paras 8 and 9 of the petition that the account no. 3494440819 existing in his name has not been opened by him and had no knowledge about the said account until he received letter from the postal department. Similarly situated co-accused persons have been granted anticipatory bail by this Court in Cr. Misc. Nos. 6747 of 2019, 30117 of 2019, 32673 of 2019 and 31972 of 2019. The petitioner 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 Sri Shiv Kumar, learned J.M. Ist Class, Udakishanganj, Madhepura, in connection with Gwalpara P.S. Case No. 92 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 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. 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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