

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37232 of 2019

Arising Out of PS. Case No.-111 Year-2017 Thana- BATHNAHA District- Sitamarhi

Md. Jakibul Khan @ Jakibul Khan, aged about 65 years, Gender-Male, Son of Abdul Hameed Khan, Resident of Village-Kamaldah, P.S.-Bathnaha, District-Sitamarhi

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Nishant Kumar Jha, Advocate
For the State	:	Mr. J.K. Singh, APP
For the Complainant	:	Mr. Ashok Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 04-07-2019 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 341, 323, 379, 504, 506, 120(B), 420, 467, 468 and 34 of the Indian Penal Code registered in connection with Bathnaha P.S. Case No. 111 of 2017.

3. It is submitted that the petitioner has been falsely implicated in connection with a transaction for purchase and sale of land merely between the complainant/informant and other co-accused persons for which the petitioner has no concern whatsoever. The only accusation against the petitioner is of taking away Rs. 5000/- from pocket of the complainant which on the face of it is merely embellishment. The petitioner is an accused in one prior case in which as many as 35 persons including the petitioner had been made accused.

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 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, Sitamarhi in connection with Bathnaha P.S. Case No. 111 of 2017, 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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