

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38569 of 2019

Arising Out of PS. Case No.-345 Year-2018 Thana- MAJHAULIA District- West Champaran

Reyaz Ahmad, aged about 35 years, Male, Son of Saffiullah Mian, Resident
of Village-Manjharia Sheikh, P.S.- Majhauria, District- West Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Bimlesh Kumar Pandey, Advocate
For the State	:	APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 01-07-2019 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, 447, 385, 406, 420, 467, 468, 471, 504, 427 and 506/34 of the Indian Penal Code registered in connection with Majhauria P.S. Case No. 345 of 2018.

3. It is submitted that the petitioner has been falsely implicated and as a matter of fact, the present FIR has been lodged in retaliation to the petitioner's own earlier complaint filed against the informant's sons and other bearing Complaint Case No. 1300 of 2018 on 24.07.2018 which has been converted into an FIR in Majhauria P.S. Case No. 346 of 2018. It is submitted that the informant's son is the sub-operator of the petitioner having been allotted as Sub KO I.D. No. 3A4508876. The accusation that the informant paid Rs. 4,55,000/- to the petitioner for facilitating such appointment is not supported by any chit of papers and in any event, such payment would not constitute illegal entrustment. It is not in dispute that as sub-operator, the informant's son had been given blank cheques 50 in number and undertaken responsibility for commission of any



irregularity in connection with his duty as sub-operator in terms of the agreement dated 05.01.2016. It is further pointed out from the petitioner's complaint that the informant's son had misappropriated Rs. 2,94,000/- from the petitioner's account but did not disclose the same among the account-holders.

4. Learned APP assisted by learned counsel for the informant appearing suo motu opposes the anticipatory bail petition. It is submitted on behalf of the informant that the petitioner is a habitual offender as evident from two prior cases under same penal provisions in which he has been made accused. It is further submitted that while the thrust of accusation in the petitioner's complaint is against the informant's son of having allegedly misappropriated Rs. 2,94,000/-, the present FIR has been lodged by the informant for advancing the amount of Rs. 4,55,000/- in respect of which the cheque issued by the petitioner in repayment of the said amount bounced.

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, Bettiah, West Champaran in connection with Majhauria P.S. Case No. 345 of 2018, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure 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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