

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46297 of 2019

Arising Out of PS. Case No.-286 Year-2010 Thana- SAHARSA District- Saharsa

BIJAY KHAN @ BIJAY KUMAR KHAN Son of Late Indra Mohan Khan
Cashier at Central Bank of India, M.L.T. College Branch, Saharsa, permanent
Resident of Village - Bangaon West, P.S.- Bangaon, District - Saharsa.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pramod Mishra, Advocate

For the Opposite Party/s : Mr.Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 26-09-2019 Heard Learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case is seeking anticipatory bail in connection with Saharsa Sadar P.S. Case No. 286 of 2010 registered for the offences punishable under Sections 406, 420, 409, 120B and 504 of the Indian Penal Code.

Learned counsel for the petitioner, At the outset, informed this Court that this case is of the year 2010 but then it has also been informed that till date the petitioner has not been declared absconder and no process under Sections 82 and 83 Cr.P.C. has been issued against the petitioner.

Learned counsel further submitted that on the merit of the allegations there is no specific case against the petitioner and the petitioner being a member of the Board of Directors may be



granted privilege of anticipatory bail when the Chief Executive-cum-Chairman of the Co-operative Society has been granted privilege of anticipatory bail by a learned co-ordinate Bench of this Court vide order dated 21.07.2017 (Annexure '3'). Learned counsel submits that even recently on 01.05.2019 another learned co-ordinate Bench of this Court despite taking note of the fact that the case is of the year 2010 granted privilege of anticipatory bail to one Md. Humau who claims to be an agent of the society vide Cr. Misc. no. 14499 of 2019.

Learned APP for the State has opposed the prayer of anticipatory bail.

However, considering the facts and circumstances of the case wherein the petitioner has not been declared absconder so far and the Chief Executive of the Society as also other co-accused have been granted privilege of anticipatory bail, this Court is inclined to grant privilege of anticipatory bail to the petitioner.

Let the petitioner above named in the event of his arrest or surrender within a period of four weeks from today in connection with Saharsa Sadar P.S. Case No. 286 of 2010 be released on bail on furnishing of bail bond of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to



the satisfaction of learned Chief Judicial Magistrate, Saharsa,
subject to the conditions as laid down under Section 438 (2) of
the Cr.P.C. i.e.

(i) a condition that the person shall make himself
available for interrogation by a police officer as and when
required;

(ii) a condition that the person shall not, directly or
indirectly, make any inducement, threat or promise to any
person acquainted with the facts of the case so as to dissuade
him from disclosing such facts to the Court or to any police
officer;

(iii) a condition that the person shall not leave India
without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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