

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41973 of 2019**

Arising Out of PS. Case No.-69 Year-2019 Thana- PHULWARIYA District-
Gopalganj

=====

JAMSHED ALAM, male, aged 45 years, S/o Gul Bahar R/o village- Urjara-
Narayanpur, P.S.- Uchkagaown, Distt- Gopalganj

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Shubhesh Pandey, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 10-07-2019

Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 447, 341, 323, 324, 307, 354(a), 353, 379,
504, 506/34 of the Indian Penal Code registered in connection
with Fulwariaya P.S. Case No. 69 of 2019.

3. It is submitted that the petitioner has been falsely
implicated and in any event there is no injury report on record to
corroborate the accusation of assault. The Choukidar was not
acting in course of discharge of official duties and as such no
offence is made out under Section 353 IPC, the accusation under
Section 379 IPC is mere embellishment. Similarly situated co-
accused Garib Nawaz and Khursheed Alam @ Khurshed Alam
have been granted anticipatory bail by this Court in Cr. Misc.
No. 38358 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 learned Additional Chief Judicial Magistrate-XIII, Gopalganj in connection with Fulwariaya P.S. Case No. 69 of 2019, 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 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.

(iv) 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.

(Vikash Jain, J)

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