

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62873 of 2018

Arising Out of PS. Case No.-251 Year-2018 Thana- MUFFASIL District- West Champaran

1. Abbas Ali Son of Meer Hafiz,
2. Sabeena Khatoon, Wife of Abbas Ali, Both resident of Village- Dharampur, Ward No. 10, Police Station- Sathi, District- West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Zeyaul Hoda

For the Opposite Party/s : Mr.Matloob Rab

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 27-03-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 323, 420, 406, 384,504/34 IPC and Section 138 of the N.I. Act registered in connection with Bettiah (Mufassil) P.S. Case No. 251 of 2018.

3. It is submitted that the petitioners have been falsely implicated and in any event the dispute between the parties has since been amicably settled in Mediation Proceeding No. 225 of 2018 on terms and conditions enumerated thereunder. The petitioners are required to make payment of Rs. 1,61,000/- to the informant in four instalments as specified in the mediator's report dated 21.02.2019. The petitioners seek a week's time to make payment of the first instalment.

4. Learned counsel for the informant appears and has been



heard.

5. Be that as it may, in the event of the petitioners arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on provisional anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned CJM, Bettiah, West Champaran in connection with Bettiah (Mufassil) P.S. Case No. 251 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 petitioners.
- ii. That the petitioners shall not indulge in any similar offence till conclusion of the trial.
- iii. That the petitioners shall co-operate with the investigation, if not already concluded, and make themselves 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 no.1 shall remain physically present and petitioner no. 2 shall be well represented in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.
- v. The petitioners shall make payment of the entire amount of Rs. 1,61,000/- in four instalments as follows --
 - (a) First instalment of Rs. 40,000/- by 04.04.2019.
 - (b) Second instalment of Rs. 40,000/- by 15.04.2019.
 - (c) Third instalment of Rs. 40,000/- by 04.05.2019.
 - (d) Fourth and final instalment of Rs. 41,000/- by 15.05.2019.
6. The provisional bail granted to the petitioners shall stand



confirmed upon payment of entire amount of Rs. 1,61,000/- within the stipulated period.

7. If the petitioners fail to pay two consecutive instalments as stipulated above, the provisional bail shall automatically stand cancelled.

(Vikash Jain, J)

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