

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50257 of 2019

Arising Out of PS. Case No.-44 Year-2019 Thana- CIVIL LINE District- Gaya

Md. Shahnawaz Akhatar @ Shahnawaz Akhtar Son of Syed Masood Akhatar
Resident of Mohalla- Namat Kadah Aliganj Road No.12, P.S.- Chandauti,
District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Syed. Rizwanul Haque, Advocate

For the Opposite Party/s : Mr. Mukeshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 21-10-2019 Heard Learned counsel for the petitioner and learned
counsel for the informant.

The petitioner in the present case is seeking
anticipatory bail in connection with Civil Lines P.S. Case No. 44
of 2019 registered for the offences punishable under Sections
341, 323, 325, 307, 504, 506/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
present case is a counter blast of Civil Lines P.S. Case No. 43 of
2019 which has been lodged by this petitioner against the
informant's brother. It is submitted that earlier the petitioner had
lodged a complaint case bearing no. 525 of 2015 under Section
420 IPC and Section 138 N.I. Act in which while granting
privilege of anticipatory bail to the informant's brother of this



case, the learned co-ordinate Bench of this Court had vide order dated 31.07.2018 imposed a condition whereunder the informant's brother was liable to deposit a bank draft of Rs. 1,35,000/- at the time of his surrender but the informant's brother has not surrendered and has not deposited the bank draft so far. It is submitted that the present case has been lodged by the informant just to falsely implicate the petitioner.

Learned APP submits that in course of medical examination no bodily injury has been noticed and only bodily pain has been mentioned in the injury report.

Considering the facts and circumstances of the case, in the nature of the previous litigation and the fact that in the case diary no bodily injury has been found on the body of the informant, let the petitioner above named in the event of his arrest or surrender within a period of four weeks from today in connection with Civil Lines P.S. Case No. 44 of 2019 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, Gaya 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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