

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60289 of 2019**

Arising Out of PS. Case No.-273 Year-2019 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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1. MD. MOKHTAR AHMAD @ Mokhtar Ahmad Son of Late Wakil Ahmad Resident of Village - Motijheel, P.S.- Town, dist.- Muzaffarpur.
 2. Md. Shamim Ahmad @ Guddu @ Shamim Ahmad Son of Md. Mokhtar Ahmad Resident of Village - Motijheel, P.S.- Town, dist.- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh

For the Opposite Party/s : Mr.Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 25-09-2019 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 420, 406, 467, 468, 471 and 120-B of the Indian Penal Code, registered in connection with Muzaffarpur P.S.Case No. 273 of 2019.

3. It is submitted that the petitioners have been falsely implicated in connection with payment of consideration money by the informant to co-accused Nisar Ahmad for purchase of a piece of land, possession of which, however, was not delivered and the cheque issued by said co-accused Nisar Ahmad by way of refund of consideration money was dishonoured. The



aforesaid transaction is said to have been done with the consent of these petitioners, who are the father and brother, respectively, of co-accused Nisar Ahmad. It is submitted that petitioners have neither received the consideration money nor registered the sale deed in favour of the informant nor issued cheque by way of refund of consideration money. The petitioners claim clean antecedents.

4. Be that as it may, in the event of petitioners' arrest or surrender before court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Muzaffarpur in connection with Muzaffarpur P.S. Case No. 273 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 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) That the petitioners 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, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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