

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3369 of 2019

Arising Out of PS. Case No.-502 Year-2018 Thana- ARARIA District- Araria

Abdul Majid son of Late Md. Ashique Ali resident of Village- Chorhli, P.S.-
Veldaur, Distt. Khagaria At present posted at Junior Engineer, Irrigation
Division, Narpatganj P.S.- Narpatganj, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh, Adv

For the Opposite Party/s : Mr.Parmeshwar Mehta,APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 24-01-2019 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a
case registered for the offences punishable under Sections
406,409,420/34 of the Indian Penal Code.

Allegation against the petitioner is that he
showed payment against earth filling whereas the work
actually performed was cutting of the soil.

It is submitted by the learned counsel for the
petitioner that there is inordinate and unexplained delay of
about 8 years in institution of the FIR. Several other co-
accused having more or less identical allegation have already



been granted pre-arrest bail by this Court. He has produced orders passed in Cr. Misc. Nos. 73921 of 2018, 62847 of 2018 and 77742 of 2018 in order to substantiate his contention that co-accused Srikant Mandal, Rajnandan Kumar @ Rajnandan Kumar, Raj Ballabh Yadav @ Raj Ballabh Yadav, Md. Manzar Naim @ Md. Manzar Nayeem and Dinesh Chaupal have been granted pre-arrest bail by different co-ordinate Benches of this Court.

Learned counsel for the State does not dispute the fact that other co-accused having more or less identical allegation have been granted pre-arrest bail by different Benches of this Court.

Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Araria P.S.Case No.502 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal



Procedure and further the petitioner shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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