

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.64911 of 2018

Arising Out of PS. Case No.-619 Year-2014 Thana- PURNIA COMPLAINT CASE District-
Purnia

-
1. Md. Noushad S/o Late Md. Murtaza
 2. Faiyaz Alam S/o Late Farid,
Both Resident of Village- Hakka, P.S. Amour
 3. Bibi Sanjida Khatoon @ Sanjo @ Bibi Sanjida, W/o- Md. Nazam @ Nazam
 4. Md. Nazam @ Nazam, S/o- Late Hamid
Both Resident of Village- Diyaria, P.S.- Kasba, All belongs, District- Purnea.

... .. Petitioners

Versus

1. The State Of Bihar.
2. Bibi Jannati Praveen, D/o- Md. Mubarak, W/o- Md. Juber Alam, Resident of
Village- Hakka, P.S. Amour, District- Purnea.

... .. Opposite Parties

Appearance :

For the Petitioners	:	Mr. Pramod Kumar Mallick, Advocate
For the State	:	APP
For Opposite Party No. 2:	:	None

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 15-02-2019 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 and 423 of the Indian Penal Code
registered in connection with Complaint Case No. 619 of 2014.

3. It is submitted that the petitioners have been falsely
implicated and there is no material to corroborate the complainant's
claim of payment of Rs. 4,60,000/- to the petitioner no. 3 who
happens to be aunt of the complainant. In any event, the dispute
between the parties is purely of civil nature relating to land dispute.
The petitioners claim clean antecedents.

4. Despite service of notice, none appears on behalf of the
opposite party no. 2 when the matter is called.

5. Having regard to the entirety of the facts and
circumstances of the case, the provisional anticipatory bail granted to



the petitioners by order dated 13.12.2018 by this Court in connection with Complaint Case No. 619 of 2014 pending in the Court of learned Additional Chief Judicial Magistrate, II, Purnia shall stand hereby confirmed, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and with further conditions --

(i) That one of the bailors of each of the petitioners shall be their close relatives.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That petitioner no. 3 will be well represented and petitioner nos. 1, 2 and 4 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.

(iv) That the petitioners shall cooperate 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.

BT/Chandran

(Vikash Jain, J)

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