

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2727 of 2020

Arising Out of PS. Case No.-304 Year-2019 Thana- AKBARPUR District- Nawada

MD. ABDUL HUSSAN @ ABDUL HUSSAN @ MD ABDUL HUSSAIN
Son of Md. Ataullah Resident of Village and Post Office-Datraul, Police
Station-Pakribarawan, District-Nawadah.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar, Advocate.

For the Opposite Party/s : Mr.Madhura Nand Jha, APP.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 22-06-2020 This matter has been taken up through Video
Conferencing.

Heard the parties.

The petitioner is apprehending his arrest in a case
registered for the offence punishable under Sections 419 and
420 of the Indian Penal Code.

According to FIR, fund of Indira Awas was allotted
in favour of Suresh Chaudhary, Son of late Darogi Chaudhary
of village – Kuhila, P.S. - Akbarpur, District – Nawada. During
the lifetime of said Suresh Chaudhary, the petitioner and co-
accused Prafull Kumar who were Gramin Awas Assistants in
collusion with each other and for wrongful gain, allegedly
transferred the aforesaid amount in the name of one Garbi
Devi, wife of Late Suresh Chaudhary of the same village.



Learned counsel for the petitioner submits that this is a case of bonafide mistake and as soon as it was detected the amount has already been transferred by Garbi Devi to the account of Suresh Chaudhary.

Learned APP for the State opposed the prayer for bail.

Considering the prima facie case of bonafide mistake and the fact that the petitioner has got no criminal antecedent, 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 anticipatory bail on furnishing bail bond of Rs. 20,000/- (rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with Akbarpur P.S. Case No. 304 of 2019, subject to the condition as laid down under Section 438 (2) of the Code of Criminal Procedure as well as subject to the following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) 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.

(c) The petitioner shall not leave the country without permission of the trial Court.

(Birendra Kumar, J)

mantreshwar/-

U		T	
---	--	---	--

