

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23489 of 2020

Arising Out of PS. Case No.-12 Year-2012 Thana- MAKER District- Saran

MD. JAFAR @ JAFAR MIYAN Son of Late Samsuddin Miyan Resident of
Village - Kapshahar (Fulwariya), P.O.- Fulwariya, P.S.- Maker, District –
Saran. Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr.Ujjawal Bhushan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 05-01-2021 Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned APP for the State.

The petitioners, in the present case is seeking pre-arrest bail in connection with Maker P.S. Case No. 12/2012 registered for the offences punishable under Sections 364 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case as he had participated in the Panchayati along with others and had endorsed the decision of the Panchayat which was accepted by the informant and victim. The Panchayati was held in connection with the affair of son of the informant with the daughter of the co-villager.

Learned counsel submits that the victim had come back in the year 2012 itself but his statement under Section 164



Cr.P.C. was recorded on 14.01.2016 i.e. after four years. It is submitted that the petitioner was not aware of the fact that he has been named in the case and as he was living outside the village, when he came back the police came to arrest him. Learned counsel submits that till date investigation is pending and recently some of the co-accused similarly situated have been granted privilege of anticipatory bail by the learned coordinate Bench of this Court by the order contained in Annexure '2' series of this application.

It is further submitted that no process under Section 82 & 83 Cr.P.C. has been issued against the petitioner.

Learned A.P.P. for the State has though opposed the prayer for anticipatory bail of the petitioner but considering the facts and circumstances of the case wherein the victim has been recovered in the year 2012 itself but his statement was recorded after four years and then some of the similarly situated co-accused have been granted privilege of anticipatory bail by the learned coordinate Bench of this Court, let the petitioner above-named in the event of his arrest or surrender within a period of four weeks from today in connection with Maker P.S. Case No. 12 of 2012 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like



amount each to the satisfaction of learned A.C.J.M. - XII, Chapra at Saran, 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.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

