

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49975 of 2015

Arising Out of PS.Case No. -98 Year- 2015 Thana -JANKINAGAR District- PURNIA

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1. Md. Sikandar Son of Md. Kalimuddin, R/o Village - Binoba Gram, P.S. - Janki Nagar, District - Purnea.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Bidhu Ranjan

For the Opposite Party/s : Mr. UmeshVerma(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 16-12-2015 Heard learned counsel for the petitioner and learned A.P.P. representing the State.

The petitioner seeks bail in connection with Jankinagar P.S. Case No. 98 of 2015 registered for the offences punishable under Sections 406, 420, 120B of the Indian Penal Code.

Allegedly the petitioner and other co-accused acting as an agent of Md. Fanush, cheated the informant the amount of Rs. 5 lac on assurance to double the amount within one month and similarly others were also cheated and thereafter Md. Fanush committed suicide and then the petitioner assured to return the amount but did not return the amount.

Submission is of false implication and that the prosecution story appears to be not probable and reliable. There is



no chit of paper to show that the informant paid Rs. 5 lac to the petitioner, as a matter of fact, nothing was paid and with wrong allegation, the case has been registered. It is not believable that within one month, the amount would be doubled. F.I.R. has been lodged after much delay and, as such, the petitioner who is suffering in custody since 06.08.2015, deserves sympathetic consideration as chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

The learned A.P.P. opposes the prayer of bail but fairly submits that from perusal of written report, it does not reveal that whether any paper was given or not to the informant regarding payment of Rs. 5 lac.

In the facts and circumstances stated above, considering the detention of the petitioner and further chargesheet has already been submitted and, as such, the petitioner, above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Learned C.J.M., Purnea arising out of Jankinagar P.S. Case No. 98 of 2015 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each

and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

sushma/-

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(Jitendra Mohan Sharma, J)