

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55696 of 2016

Arising Out of PS.Case No. -313 Year- 2016 Thana -ARARIA District- ARRARIA

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Maulana Sarfaraz Alam Mozahari @ Maulana Sarfaraj Alam @ Sarfaraz,
son of Md. Ismail, resident of village- Islamnagar Idgah Tola, Police
Station- Araria, district- Araria. Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner : Mr. Amerendra Kumar, Advocate
Mr. Mukesh Kumar Rana, Advocate
For the Opposite Party : Mr. Sri Damodar Prasad Tiwary (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 10-02-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Araria
P.S Case No. 313 of 2016 (G.R. No. 1548 of 2016), registered for
the offences punishable under Sections 406, 420, 323, 427, 506,
504, 120(B)/34 of the Indian Penal Code.

Allegedly, the informant gave Rs. Two lacs on
different dates to the petitioner on the assurance that the petitioner
will return the amount with interest at the rate of 10% but
thereafter the petitioner did not return the amount as well as
interest and in panchayat, the accused denied to return the money
and assaulted the informant and damaged the motorcycle.

Submission is of false implication and that the entire
allegation is false and concocted, the petitioner has not received
any amount from the informant. The paper has been prepared after



forging the signature of the petitioner and, as such, the petitioner who is suffering in custody since 04.06.2016 deserves sympathetic consideration.

Learned A.P.P. opposes the prayer of bail.

In the facts and circumstances stated above, considering that chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence and, as such, petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of Sri R. Narayan, learned Additional Chief Judicial Magistrate-III, Araria, in connection with Araria P.S. Case No. 313 of 2016 (G.R. No. 1548 of 2016), subject to the conditions that one of the bailors must be a 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.

(Jitendra Mohan Sharma, J.)

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