

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14078 of 2019

Arising Out of P.S. Case No.-211 Year-2018 Thana- TATARPUR District- Bhagalpur

MD. HAFIZUDDIN (Male), aged about 55 years, Son of Late Md. Aziz,
Resident of Village-Khiribandh, P.S.-Jagdishpur, District-Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Nandad Prasad, Advocate

For the Opposite Party/s : Mr.Vinod Shanker Modi, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 08-03-2019 Heard the learned counsel for the petitioner and
learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since
30.09.2018 in connection with Tatarpur (University) P.S.Case
No.211 of 2018 for the offence alleged under Sections 406, 419
and 420 of the Indian Penal Code.

The prosecution case as lodged by the written report
of the informant Md. Dilawar Khan is that the petitioner took
Rs.4,25,000/- on stamp paper of Rs.1,000/- from the informant
and promised to return the said amount by 15.03.2018 and if
failed to return, he would register his two kathas land in favour
of the informant but the petitioner did not honour his
commitment and was traceless. It has further been alleged that
on 29.09.2018, the petitioner was found roaming in the market



who was caught by the informant and it was later found out that the petitioner had taken huge amount of money and there was dues of various banks.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that the matter relates to money transaction and is of purely a civil nature and due to unfavourable market conditions, he could not honour his commitment within time and is ready to pay back the loan as soon as money is available with him. He further submits that chargesheet has already been submitted, there being no allegation of tampering with the prosecution evidence.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and one more case of similar nature is pending against him.

Considering the nature of allegations and the materials on record, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Tatarpur (University) P.S.Case No.211 of 2018 to the satisfaction of learned Chief Judicial Magistrate,



Bhagalpur, subject to the following conditions:-

(i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(ii) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(iii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

B.Kr./-

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

