

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.72823 of 2018

Arising Out of PS. Case No.-174 Year-2018 Thana- CHAUTHAM District- Khagaria

Md. Sarfaraz Alam, son of Shahabuddin, resident of village Sarsaw, P.S. Choutham, Distt. Khagaria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar, Advocate.
For the informant	:	Mr. Pankaj Kumar, Advocate.
For the State	:	Mr.Smt. Reena Sinha

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

7 25-02-2019 Heard learned counsel for the petitioner, counsel for the informant and the State.

The petitioner seeks bail in **Chautham P.S. Case No. 174 of 2018**, instituted for the offence under Section(s) 406, 504, 506, 509/34 of the Indian Penal Code and Section 67A of I.T. Act.

It is alleged in the written report that informant gave Rs.3,00,000/- to the petitioner in presence of witnesses on the assurance that he will return money within two years with profit but he did not return. The informant made demand of money then petitioner gave threat of dire consequences as mentioned in the written report.

Counsel for the petitioner submits that there is no



chit of paper to show that money has ever been paid by the informant to the petitioner.

In support of making payment of money to the petitioner, the informant has filed counter affidavit kept at Flag-X. In the counter affidavit one agreement has been enclosed as Annexure-1 in support of payment of Rs.3,00,000/- to the petitioner by the informant.

Reply to the aforesaid counter affidavit has been filed on behalf of the petitioner which has been kept at Flag “A” wherein the petitioner has denied his signature on the aforesaid agreement which was made in Urdu language. The petitioner has stated that he did not sign in urdu. He used to sign only in the language of Hindi or English. It is further alleged that Stamp paper has been purchased on 13.09.2008 in the name of Most. Azma Khatoon and agreement has been prepared in the year 2015.

Counsel for the informant has appeared and submitted that petitioner gave threat from Jail and also made viral the photo of his family. This fact was denied in paragraph-7 of reply to the counter affidavit. The petitioner has already been in custody and both the SIM Nos. 8369561002 and 7738180776 have been deposited in the concerned Police



Station by which the informant alleges that petitioner gave threat to the informant.

Petitioner is in custody since 2.9.2018 having clean antecedent.

Considering the aforesaid facts and circumstances of the case, prayer of the petitioner for grant of bail is allowed. Let the petitioner above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of **learned Chief Judicial Magistrate, Khagaria**, in connection with **Chautham P.S. Case No. 174 of 2018**, subject to the condition that both the bailors will be the close relatives of the petitioner.

(Sanjay Priya, J)

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