

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11727 of 2020**

Arising Out of PS. Case No.-288 Year-2019 Thana- CHHATAPUR District- Supaul

SAHWAZ ALAM, Sj/o Md. Israil, Resident of Village- Banswari, P.S.-
Araria, Distt- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Adv.

For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 02-06-2020 The matter has been taken up through virtual Court proceeding.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner is languishing in custody since 14.11.2019 in a case registered for the offences punishable under Sections 341, 323, 420, 386, 413, 504, 506 and 120B of the Indian Penal Code.

The prosecution case as per the written report of Ajit Kumar submitted before the S.H.O., Chatapur Police Station is to the effect that the informant was working as a night manager in the Imperial Residential Hotel at Gurgaon. Co-accused, Imtiaz and the petitioner, Sahwaz Alam who are auto drivers



and used to bring guests to the hotel of the informant. Hence, the informant got acquainted with them. In the meantime, they also acquainted with co-accused, Vicky Yadav. The petitioner and the co-accused, Imtiaz shown the informant on mobile phone an image of 10 grams gold biscuit and suggested that it is available for only Rs.20,000/-. subsequently, co-accused, Kunal received Rs.3,00,000/- from the informant to supply him gold biscuits, but the gold biscuits could not be supplied to the informant and thereby, the informant was cheated by the accused persons.

It is submitted by learned counsel for the petitioner that the prosecution case does not inspire confidence. Admittedly, the money was given to co-accused, Kunal, hence, the thrust of accusation is against co-accused, Kunal and not against the petitioner. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent. The petitioner is languishing in custody since 14.11.2019 and the investigation has already been conducted.

Learned APP for the State submits that the petitioner in lieu with other co-accused persons, including co-accused, Kunal cheated the informant.



Considering the thrust of accusation against co-accused, Kunal and the investigation already being concluded coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned CJM, Supaul, in connection with Chatapur P.S. Case No. 288 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned CJM, Supaul, in connection with Chatapur P.S. Case No. 288 of 2019.

The learned Court below is at liberty to further extend



the period of provisional bail if the lock down is not over in next
three months.

(Dinesh Kumar Singh, J)

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