

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33439 of 2020

Arising Out of PS. Case No.-235 Year-2020 Thana- BAHADURGANJ District- Kishanganj

1. MD. BABAR @ JULUM Son of Md. Ashfaque Alam @ Md. Ashfaque Resident of Village - Kharaiya, P.S.- Amaur, Distt.- Purnea.
2. MD SAHZAD @ KABUL @ MD SHAZAD ALAM Son of MD. ASHFAQUE ALAM @ MD ASHFAQUE Resident of Village - Kharaiya, P.S.- Amaur, Distt.- Purnea.

... .. Petitioners.

Versus

THE STATE OF BIHAR

... .. Opposite Party.

Appearance :

For the Petitioners	:	Mr. Md Fazle Karim, Advocate.
For the State	:	Mr. Narsingh Tanti, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 16-03-2021 As prayed for, let the learned counsel for the petitioners remove the defect(s), as pointed out by the office vide its notes dated 07.12.2020, within four weeks of starting of the Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Bahadurganj P.S. Case No.235 of 2020 registered under Sections 406 and 506 of the Indian Penal Code.

The accusation is that the informant Ejaj Ahmad being the shop-keeper of iron rod, sold 28 tones 135 kilograms rod worth Rs.11,11,447/- to the petitioners on 22.09.2019 on



receiving advance of Rs.6,00,000/- on 20.09.2019 on assurance of the petitioners to pay the remaining amount within 2-4 days but in spite of the request made by the informant, they did not pay any heed to pay the remaining amount. On 14.06.2020, the petitioner no.1 Md. Babar alias Julum was present at the petrol pump for taking the diesel in his truck bearing Registration No.BR-11-GB-5493, then the informant reached there and made demand of remaining amount of iron sold to him, then the petitioner no.1 called his brother Sahzad (petitioner no.2) and both moved from there saying to pay the remaining amount within two hours but they did not return.

Learned counsel for the petitioners submits that, in fact, the petitioner no.1 lodged Bahadurganj P.S. Case No.226 of 2020 for the offence under Sections 341, 323, 504, 384 and 373/34 of the Indian Penal Code on 19.07.2020 against the informant and his two brothers, due to that reason, only to put undue pressure upon the petitioners, the informant has lodged the present case after two days of lodging of the F.I.R. against him and his two brothers by the petitioner no.1. The petitioners have no criminal antecedents.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their



arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Kishanganj, in connection with Bahadurganj P.S. Case No.235 of 2020, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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