

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5690 of 2022

Arising Out of PS. Case No.-177 Year-2021 Thana- GANDHIMAIDAN District- Patna

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MOHAMMAD NIZAR HUSSAIN @ NEJAJ @ MD. NEYAZ RAZA Son of
Md. Nazir Habib Hasnain Resident of Mohalla - Abgilla Manpur, Near Chhoti
Masjid, Police Station - Mufassil, District - Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 6936 of 2022

Arising Out of PS. Case No.-177 Year-2021 Thana- GANDHIMAIDAN District- Patna

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AMRIN NAZAR D/O MD. NEZAL NAZIR HUSSAIN (NIYAZ) @ MD.
NEYAZ RAZA WIFE OF MUSTAQUE AHMAD R/O - FLAT NO.-201,
SECOND FLOOR, NISHA APARTMENT, BANK ROAD, P.S.- GANDHI
MAIDAN, DISTRICT- PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 5690 of 2022)

For the Petitioner/s : Mr.Raj Krishan Jha

For the Opposite Party/s : Mr.Shyameshwar Dayal

Mr. Helal Ahmad

(In CRIMINAL MISCELLANEOUS No. 6936 of 2022)

For the Petitioner/s : Mr.Raj Krishan Jha

For the Opposite Party/s : Mr.Pramod Kumar Pandey

Mr. Helal Ahmad

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 05-12-2022 Since both the anticipatory bail petitions arise out of

same PS case they have been heard together and are being

disposed of by this common order.

Heard learned counsel for the parties.



The petitioners apprehend their arrest in a case registered for the offence under Sections 406, 420, 120(B) of the Indian Penal Code.

As per prosecution case, these petitioners along with another accused person embezzled Rs. One crore two lacs from the informant for selling their flat.

By filing supplementary affidavit, it is submitted on behalf of petitioners that petitioners are ready to refund Rs. 70,00,000/- (seventy lacs) in installments to the informant and demand draft of Rs. 10 lac has already been prepared on 22.11.2022. This submission has been made in paragraph – 2 of the supplementary affidavit. It is further submitted that Rs. 32 lacs has already been paid by co-accused, Mustaque Ahmad in installments and the same has duly been received by the informant. In the light of above submission, he makes a prayer for grant of anticipatory bail to the petitioners.

Learned counsel for the informant/O.P.-2 opposed the prayer and submits that these petitioners are not reliable persons and have committed breach of promise and undertaking before learned Sessions Judge, Patna on 28.06.2021.

Considering the facts and circumstances of the case and undertaking of these petitioners, let the above named petitioners, in the event of their arrest/surrender before the court below within a period of thirty days from the date of receipt/production of copy of this order, be enlarged 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 Addl. Chief Judicial Magistrate - XIV, Patna in connection with Gandhi Maidan P.S. Case No. 177 of 2021, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition the petitioners shall refund Rs. 10,000,00/- (ten lacs) through Bank Draft to the informant at the time of furnishing bail-bond and rest amount i.e. Rs. 60,00,000/- (sixty lacs) in thirty installments shall be refunded through Bank Draft to the informant within a period of two and half years from the date of furnishing bail-bond, failing which, the learned court below would be at liberty to cancel the bail-bond. The said deposit shall be subject to the final outcome of the case.

(Prabhat Kumar Singh, J)

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