

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25343 of 2022

Arising Out of PS. Case No.-410 Year-2020 Thana- NARPATGANJ District- Araria

Md. Sizam Son Of Kalam @ Kalimuddin @ Kaleem Saha R/O Village-
Khaira Gardhiya, P.S.- Narpatganj, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana, Adv.

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 10-08-2022 Heard learned counsel for the petitioner and the learned
APP for the State.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection with
Narpatganj P.S. Case No.410 of 2020 instituted under Section 420,
406, 120B of the Indian Penal Code.

The allegation in the FIR is that the informant is a trader
of Rajasthan who was lured by co-accused Jiwan Ram to come in
Bihar and purchase a land in Forbesganj. Accordingly, it is alleged
that the informant came with Rs.25,00,000/- where he met one Kadir
Khan and he was told that the persons who are going to show him the
land are coming. When that person appeared, he demanded money
whereafter the informant wanted to see the paper related to the land.
In the meantime, a lady shouted that the Income-tax people are
coming to raid the house. As everyone panicked, the person who had



come on motorcycle got an opportunity to decamp with the bag containing the cash amount of the informant, Prem Prakash. The bag also had some money of Jiwan Ram. Surprised by the turn of the events, the informant had no option but to lodge the FIR.

Accordingly, investigation started and amongst number of accused persons, the petitioner also found himself one of them.

Learned counsel for the petitioner submits that he was neither present at the place of occurrence nor any allegation at the time of said occurrence is attributed to him. His name has cropped on the confessional statement of accused Md. Mohid whereafter he has come into the judicial custody on 08.03.2022 (as stated in para-14 of the bail application). He lastly submits that some of the co-accuseds have been enlarged on bail by co-ordinate Benches of this Court vide Cr. Misc. No.2345 of 2021 dated 12.04.2021, Cr. Misc. No.8307 of 2021 dated 29.07.2021, Cr. Misc. No.39575 of 2021 dated 23.02.2021, Cr. Misc. No.45288 of 2021 dated 28.02.2021 and Cr. Misc. No.56432 of 2021 dated 04.04.2021.

Taking into account the aforesaid fact that the name of the petitioner has come during the confessional statement of Md. Mohid, as also the fact that there is no recovery from his possession or his house (as stated in para-7 of the bail application), charge sheet stands submitted and some of the co-accuseds have since been granted the privilege of bail by co-ordinate benches, this Court is inclined to grant him privilege of bail.



Let the petitioner be released on bail on furnishing bail bond of Rs.15,000/-(Rupees Fifteen Thousand) with two sureties of the like amount each in connection with Narpatganj P.S. Case No.410 of 2020 to the satisfaction of learned Chief Judicial Magistrate, Araria, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his/her bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next six months to mark his/her presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to steps for cancellation of his/her bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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