

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23672 of 2021**

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

Md. Mohid S/O Md. Shabib R/O Village-Suryapur, P.S-Chhatapur, District-Supaul.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

WITH
CRIMINAL MISCELLANEOUS No. 36170 of 2021

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

Md. Mujir @ Kadir @ Abdul Kadir Khan Son Of Late Kuddus Sah @ Kudus Resident Of Ward No.- 10, Khaira Gadhiya, P.S.- Narpatganj, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 23672 of 2021)

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate

For the Opposite Party/s : Ms. Renuka Ratnakar, APP

(In CRIMINAL MISCELLANEOUS No. 36170 of 2021)

For the Petitioner/s : Mr. Abul Kalam, Advocate

For the Opposite Party/s : Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

8 01-02-2022 Applicant Md. Mohid and Md. Mujir @ Kadir @ Abdul Kadir Khan, who are accused in Crime No. 410 of 2020 registered with Narpatganj Police Station for the offences



punishable under Sections 420/406/120B, by these applications are seeking their release on bail during course of the trial.

Heard the learned counsel appearing for the applicants/accused. It is argued that co-accused who are having similar role are already released on bail. They are Jiwan Ram, Hari Ram, Md. Azam and Md. Sahid. It is further argued that if really Md. Mujir had intended to cheat the first informant he would not have planned the incident at his own house. It is further argued that name of Md. Mohid is not mentioned in the FIR and his name is figuring on the basis of confessional statement. Rupees fifty thousand is shown to have recovered from him but he is not subjected to the Test Identification Parade.

The learned Additional Public Prosecutor opposed the applications by contending that the evidence collected by the prosecution shows that the applicants are habitual cheaters and they adopt the same modus operandi for commission of such crime. It is further argued that the prosecution has collected the call detail records of the accused persons which shows that they were constantly in touch of each other at the time of commission of the subject crime.



I have considered the submissions so advanced and also perused the materials placed before me including bail orders of accused Jiwan Ram, Hari Ram, Md. Sahid and Md. Azam passed by the coordinate Bench of this Court. It is trite that the bail orders must contain reason. However, on perusal of all those three orders passed by the coordinate Bench of this Court show that no reasons are assigned for releasing those co-accused on bail. It is stated in those orders that considering the facts, as stated by the learned counsels, and considering the period of pretrial detention the applicants therein are entitled for bail.

So far as facts of the instant case are concerned, the FIR of the subject crime is lodged by Prem Prakash, happens to reside at Baliya in Nagaur district of Rajasthan. He was enticed to come to Bihar for purchasing land at Forbesganj area by co-accused Jiwan Ram. It is seen from the FIR that then the meeting was arranged at the house of applicant-accused Md. Mujir for purchase of the said land. An amount of rupees twenty-five lacs was sought from the applicant by co-accused Jiwan Ram. During the course of that meeting a farce of income tax raid was made and applicant Md. Mujir and co-accused persons snatched the bag containing the



amount given by the first informant. By instilling fear of the income tax raid in the mind of the first informant, the accused persons ran away with money of the first informant. The applicant Md. Mujir is specifically mentioned in the FIR and his house was the place of incident as seen from the FIR. He has having four criminal cases pending against him which are as under:

“(i) Narpatganj P.S. Case No.24 of 2021 under Sections 147/149/452/341/ 323/324/325/307/ 353/188/ 189 / 332/333/337/224/225/511/504 of the Indian Penal Code and Sections 25(1-b)a/26(1)(2)/27 of the Arms Act.

(ii) Jogbani P.S. Case No.3 of 2013 under Sections 395/397 of the Indian Penal Code.

(iii) Farbesganj P.S. Case No.14 of 2013 under Sections 395/397 of the Indian Penal Code and Section ¾ of the Explosive Substances Act and;

(iv) Phulkaha P.S. Case No.101 of 2019 under Sections 413/414 of the Indian Penal Code.”

Case of the prosecution is supported by the material evidence and therefore in this financial offence, I am of the considered opinion that the applicants are not entitled for bail. The applications are accordingly rejected.



The applicants to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

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