

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 38700 of 2021**

Arising Out of PS. Case No.-86 Year-2020 Thana- MUNGER MUFFASIL District- Munger

MD SADIK @ PAPPU Son of Late Md. Samad Resident of Village-
Banaudha, P.O.- Banka, P.S.- Mufassil, District- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : M/s Abdul Mannan Khan, Binay Kumar, Advocates
For the Opposite Party/s : M/s Ashok Kr Singh, Niranjana Parihar, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 30-05-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for brevity, *APP*) appearing for
the State of Bihar.

The petitioner apprehends arrest in Munger Mufassil
Police Station (for brevity, *PS*) Case No 86 of 2020 registered
for the offence punishable under Sections 341, 323, 324, 307,
504, 506/34, 420, 406 of Indian Penal Code.

There is an allegation that the petitioner has taken Rs
40,000/- on the pretext of arranging a job for the informant in
the Bihar Military Police (for brevity, *BMP*). The petitioner is
stated to be a Constable in the BMP.

Learned counsel for the petitioner submits that the
prosecution case prima facie is far-fetched. The informant



himself is an accused in at least five cases as per the petitioner's knowledge, details of the cases have been stated in paragraph 10 of the bail application. Being accused in so many criminal cases, the whole pretext of arranging a job appears to be based on extraneous considerations merely to victimize the petitioner as the petitioner's family had already lodged a case against the informant alleging assault at the hands of the informant of the instant case. The petitioner has no criminal antecedent and is apprehending his arrest, which is also likely to jeopardize his career in the BMP.

The learned APP has opposed the prayer for bail.

Considering the rival submissions, especially the submission of false implication as the informant, who was seeking a job in BMP was himself implicated in so many cases, the fact that petitioner is a Constable and has no authority/role in providing jobs in BMP; and his clean antecedent, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, in the event of his arrest or surrender within four weeks from today, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of Chief Judicial Magistrate, Munger in Munger Mufassil PS Case No 86 of 2020 subject to the conditions as laid down under Section 438 (2) of Criminal Procedure Code and also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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