

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.39575 of 2021**

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

Md. Nizam S/O Kaleem Saha R/O Village-Khaira Gardhiya, P.S. -  
Narpatganj, District-Araria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

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

For the Opposite Party/s : Ms. Sharda Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

5      23-02-2022                      Learned counsel for the petitioner undertakes to  
remove all the defects pointed out by the Stamp Reporter within  
four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Ms.  
Sharda Kumari, learned APP for the State.

The petitioner in the present case is seeking regular  
bail in connection with Narpatganj P.S. Case No. 410 of 2020  
registered for the offences punishable under Sections 406, 420,  
120B of the Indian Penal Code. He has no criminal antecedent  
and has remained in custody since 15.03.2021.

Learned counsel for the petitioner submits that the  
informant has alleged in his fardbeyan that the FIR named  
accused persons called him for negotiating the purchase of land  
where the informant reached with his bag containing Rs. 25  
lacs, where one person came on motorcycle and demanded the



money on which the informant asked about paper of land in the meantime, 10-12 persons on 5-6 motorcycles arrived and it was stated that persons of income tax came, in the meantime Md. Muzir @ Abdul Kadir Khan snatched his bag containing money, ATM card, PAN card and purse.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that co-accused similarly situated have already been granted bail by learned Co-ordinate Benches of this Court. The petitioner is in custody since 15.03.2021 and has no criminal antecedent.

Learned counsel further submits that the petitioner has not been identified by the informant and no test identification parade has been conducted so far.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that the petitioner has not been identified by the informant, no test identification parade has been conducted so far, he has no criminal antecedent and is in custody since 15.03.2021, investigation against him is complete, the co-accused similarly situated have been granted bail by learned Co-ordinate Benches of this Court in Cr. Misc.



No. 2345 of 2021, Cr. Misc. No. 8307 of 2021 and Cr. Misc. No. 12494 of 2021, the uncontroverted submission that the case of the petitioner at least stands on similar footing with those of the co-accused who have been granted bail, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Narpatganj P.S. Case No. 410 of 2020, subject to the condition as laid down under Section 437(3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

**(Rajeev Ranjan Prasad, J)**

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

