

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40108 of 2022

Arising Out of PS. Case No.-1788 Year-2021 Thana- COMPLAINT CASE District- Araria

Md. Shamiujma @ Samiur Rahman Son Of Late Saidur Rahman Resident Of
Khalilabad, Ward No. 25, P.S. And District - Araria.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Mir Md. Qasim Son of Late Mir Abdul Karim Resident of Millat Nagar
Belwa, , Ward No. 01, P.S. and District - Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Alka Singh

For the Opposite Party/s : Mr. Surendra Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-11-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner undertakes to remove
the defects within three weeks. In the eventuality of non-removal of
defects within undertaken period, the office will place the matter
before the Bench.

The petitioner is apprehending his arrest in a case
registered for the offence punishable under Sections 341, 342, 323,
406, 417, 420 and 120B of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this case. He
submits that petitioner is not a money lender and he gave no money
to Rizwan and no paper was prepared or signed, nor Rs.5,00,000/-



was returned by Rizwan the accused no.2. He submits that the complainant was acting as a “agent” in the matter of sale of the land of accused no.2, in which he failed, so out of anger he managed to file this complaint petitioner and named others also as accused only for an ‘eyewash’. He further submits that petitioner has no criminal antecedent as stated in para-3 of this application.

Learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances of the case and the fact that the complainant has stated before this Court that in the near future he he will not claim any money from the complainant, let the above named petitioner in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Complaint Case No. 1788-C/2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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