

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40969 of 2022

Arising Out of PS. Case No.-180 Year-2022 Thana- SHASTRINAGAR District- Patna

Md. Mustafa son of md. Hadis Resident of village - Koilwar, P.S.- Koilwar,
District - Bhojpur (Ara), at present Resident of Mohalla- Samanpura, Raja
Bazar, P.S.- Shastrinagar, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mohammad Sufyan, Advocate

For the Opposite Party/s : Mr.Bal Mukund Prasad Sinha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 14-09-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Shastrinagar P.S. Case No. 180 of 2022 registered for the
offence under Sections 417, 418, 419, 420 and 120(B) of the
I.P.C.

The accused/petitioner is named in the F.I.R. and is in
custody since 09.04.2022.

The allegation against the petitioner is to cheat
informant and others by way of impersonation against false
promise to provide a job of nursing in IGIMS, Patna against Rs.



50,000/- per candidate.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner has been falsely implicated in present case for the reason of local official dispute, as he worked as a ward boy on contract basis in IGIMS. It is further submitted that the petitioner while parking his motorcycle in normal course at designated place, apprehended in connection with present case. It is also submitted that no actual transaction, as alleged, was ever taken place, therefore, the ingredient of inducement is not complete, making allegation, maximum of attempt. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that the transaction of cash is absent in present case, as per F.I.R.

Considering the facts and circumstances as mentioned above, as in absence of transaction, allegation appears maximum of attempt, where petitioner is a man of clean antecedent coupled with the fact that charge-sheet has been



submitted, let the petitioner, above named, is directed to be released on bail in connection with Shastrinagar P.S. Case No. 180 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.- 4th Patna City, Patna/concerned court, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be Khurshida Khatoon, who is the younger mother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

pooja/-

U		T	
---	--	---	--

