

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56432 of 2021

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

Md. Shamshad S/o Late Yasin Resident of Village- Khaira Garhia, P.S.-
Narpatganj, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan, Advocate.

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-04-2022 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

The present application has been filed on behalf of the petitioner, above named, for grant of regular bail to the petitioner who has been made accused and put behind the bars in connection with Narpatganj P. S. Case No. 410 of 2020 registered for the offences punishable under Sections 420, 406 and 120(B) of the Indian Penal Code.

The prosecution case is that as per the allegation, it is stated by the informant that on the request of the co-accused persons to get him a piece of land, the informant was called with consideration money of Rs.25,00,000/- (twenty five lakhs) to the house of one Mohamad Mujeer @ Kadir Khan. It is next submitted that the accused persons raised *halla* that there was an income tax raid and the accused persons by this way duped and cheated the informant.



It is submitted on behalf of the petitioner that this petitioner is not named in the F.I.R., his name has transpired on the confessional statement of co-accused Mohamad Mujeer @ Kadir Khan and except his confessional statement, there is no materials available on record to suggest the complicity of this petitioner. It is further submitted that there is no recovery of any incriminating material from the possession of this petitioner and he is in custody since 29.07.2021. Learned counsel for the petitioner lastly submits that similarly situated co-accused persons namely Jivan Ram, Hari Ram as well as Shahid @ Md. Shahid have already been granted privilege of regular bail by co-ordinate Benches of this Hon'ble Court in Cr. Misc. No. 8307 of 2021 vide order dated 29.07.2021 and Cr. Misc. No. 12494 of 2021 vide order dated 29.07.2021 respectively. The copy of which have been brought on record by Annexure 2 to this petition.

On the other hand, learned APP for the State opposes the bail application of this petitioner.

Having heard the submissions made on behalf of the parties and taking into consideration that the petitioner is not named in the F.I.R. and his name only transpired in the confessional statement of co-accused, apart from there is no



recovery from the possession of this petitioner, and other co-accused persons have already been granted bail by co-ordinate benches of this Hon'ble Court, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, VI, Araria in connection with Narpatganj P. S. Case No. 410 of 2020, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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