

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33722 of 2023

Arising Out of PS. Case No.-319 Year-2018 Thana- PATLIPUTRA District- Patna

Nazrul @ Najirullah @ Samirullah @ Babla @ Ballu @ Bablu @ Sashiullah
@ Sami Ahmad S/o of Waliullahbir @ Balliullah, Resident of House No. 43,
Gali No. 66, Mahabir Enclave, Part No. 2, Near Masjid P.S.- Dabri, District-
New Delhi

... .. Petitioner.

Versus

1. The State of Bihar
2. The Economic Offence Unit Bihar, Patna

... .. Opposite Parties.

Appearance :

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

For the Opposite Party/s : Mr.Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 26-07-2023 Heard learned counsel for the petitioner and
learned APP for the State.

2. In the present case, the petitioner seeks bail in connection with Patliputra P.S. Case No. 319 of 2018, registered on 27.07.2018 for the alleged offences under Sections 420, 379, 467, 468, 469, 471, 472, 411, 419, 120B/34 of the Indian Penal Code and Section 66(C) of I.T. Act.

3. This is the second attempt of the petitioner to seek bail from this Court. Earlier his prayer for bail was rejected by this Court vide order dated 20.09.2022 passed in



Cr. Misc. No. 54049 of 2021 with liberty to the petitioner to renew his prayer for bail, if the trial was not concluded within a period of six months.

4. As per prosecution case, the informant was cheated more than Rs.84 lakhs by unknown miscreants giving her allurement to gift her 85000 pounds.

5. Learned counsel for the petitioner submits that the petitioner is in custody since 16.01.2019 and none of the witnesses have been examined till date in this case though the charges have been framed on 09.12.2019. Co-accused has been granted bail vide order dated 26.06.2020 passed in Cr. Misc. No. 74204 of 2019 by a Co-ordinate Bench. Learned counsel further submits that while rejecting the prayer for bail of this petitioner, this Court in its order dated 20.09.2022 granted liberty to the petitioner to renew his prayer for bail, if the trial was not concluded within six months. Learned counsel further submits that in the facts and circumstances there appears no possibility of early conclusion of the trial and it is not known how long it will take time for conclusion of trial of this case.

6. Learned APP opposes the submission made on behalf of the petitioner. Learned APP further submits that the



delay in concluding the trial cannot be a ground for grant of bail. Learned APP further submits that the co-accused, who has been granted bail, has absconded as it appears from the report dated 18.07.2023 of the learned trial court. Learned APP further submits that the petitioner is having criminal antecedent of 8 other cases.

7. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioner and apparently no possibility of early conclusion of trial, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 1,00,000/- (One Lakh) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Patna/concerned court in connection with Patliputra P.S. Case No. 319 of 2018, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be the deponent and other will be parents/brother of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on two consecutive dates



or in violation of the terms of the bail, the bail
bonds of the petitioner will be automatically
cancelled.

(Arun Kumar Jha, J)

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