

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26396 of 2022

Arising Out of PS. Case No.-435 Year-2021 Thana- MOTIHARI TOWN District- East
Champaran

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MD ZAFAR IQUBAL @ MD ZAFAR IQBAL SON OF MD. AMIRUDDIN
R/ O- VILLAGE- ANSAR COLONY, KOLHUA PAIGAMBERPUR, P.S.-
AHIYAPUR, DISTRICT- MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 34786 of 2022

Arising Out of PS. Case No.-435 Year-2021 Thana- MOTIHARI TOWN District- East
Champaran

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KUNDAN KUMAR S/o Jagdish Thakur Resident of Near F.C.I. Gate
Sherpur, P.S.- Sadar, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 26396 of 2022)

For the Petitioner/s : Mr. Ranjeet Kumar, Adv.

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

(In CRIMINAL MISCELLANEOUS No. 34786 of 2022)

For the Petitioner/s : Mr. Hari Kishore Thakur, Adv.

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 16-01-2023 Heard learned counsel for the parties.

The petitioners have preferred this application for grant
of regular bail in a case registered under sections 420 and 379 of
the Indian Penal Code and section 66D of the I.T. Act.

As per the prosecution case, it is stated by the informant



that Rs.9.10 lacs was illegally withdrawn from her account through N.E.F.T..

It is submitted by learned counsel appearing for the petitioner Md. Zafar Iqbal that the petitioner is not named in the F.I.R. He was falsely implicated in the case in course of investigation. Contrary to the allegations, no incriminating article has been recovered from his possession. He is in custody since 23.12.2021 and chargesheet has been submitted in the case.

On behalf of the petitioner Kundan Kumar, it is submitted that the petitioner has been falsely implicated in the case in course of investigation in the statement of a co-accused made before police. No article/cash has been recovered from his possession. The only material against him is the confession of a co-accused made before police which is inadmissible. The petitioner is in custody since 23.12.2021 and chargesheet has been submitted in the case.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the material that has transpired in course of investigation, so far as the petitioner Md. Zafar Iqbal is concerned, it is stated that money was recovered from the



petitioner's possession and so far as the petitioner Kundan Kumar is concerned, it is stated that this petitioner was involved in editing the Aadhar Card of the victims and he used to replace the same with the original Aadhar Card at the instance of co-accused. Both the petitioners have criminal antecedents.

As such, the Court is not inclined to enlarge the petitioners on bail for the present and the same is rejected.

Liberty is granted to the petitioners to renew their prayer for bail in the court below after framing of charge. If it is preferred, the same shall be considered on its own merit without being prejudiced by this order of rejection.

(Partha Sarthy, J)

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