

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34680 of 2022

Arising Out of PS. Case No.-144 Year-2021 Thana- KAJI MUHAMMADPUR District-
Muzaffarpur

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FARUKH KHAN @ VIKASH KUMAR SINGH S/O Hanif Khan @ Hanif
Resident of Village- Pahasu (Dehat), Pathan Tola, P.S. Pahasu, District-
Bulandshahar (Uttar Pradesh)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar

Mr. Alok Kumar

For the Opposite Party/s : Mr. Md. Aslam Ansari

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 02-02-2023 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with Kazi

Mohammadpur P.S. Case No. 144 of 2021, registered for

the offences punishable under Sections 406, 420, 467, 468

and 471 of the Indian Penal Code.

The prosecution case as emerging from the FIR is

that on 28.04.2021 at 07:30 A.M. a phone call came from

PNB METLIFE officer and asked the informant that his policy

no. 20837489 has stopped due to lack of Rs. 175 and to

continue the same he has to deposit the money through



cheque. It is alleged that Rs. 95,000/- (Rupees Ninety Five Thousand Only) has been withdrawn by the petitioner.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. However, the petitioner offers that he is ready to pay the alleged amount of Rs. 95,000/- (Rupees Ninety Five Thousand Only) to the informant, subject to outcome of the trial.

He further submits that the petitioner has been languishing in jail since 04.06.2021.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in one other case

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, particularly the offer made by the petitioner to make



payment of Rs. 95,000/- (Rupees Ninety Five Thousand Only) to the informant, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Additional Chief Judicial Magistrate-I, (East) Muzaffarpur in connection with Kazi Mohammadpur P.S. Case No. 144 of 2021, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court



below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bond of the petitioner.

(vi) At the time of submission of bail-bond, the petitioner shall submit bank draft of Rs. 95,000/- (Rupees Ninety Five Thousand Only) in favor of the informant which will be handed over to the informant subject to outcome of the trial. If the petitioner is found to be innocent, he will be entitled to get back the money from the informant.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office



objections.

(Jitendra Kumar, J)

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