

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37071 of 2023

Arising Out of PS. Case No.-74 Year-2018 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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Md. Zakir @ Zakir Hussain Son Of Md. Tahir Resident Of Village - Nanpur,
P.S. - Nanpur, Distt. - Sitamarhi - 843333

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Md. Gulab Son Of Md. Farukh Resident Of Village - Nanpur, P.S. - Nanpur,
Distt. - Sitamarhi

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Subodh Kumar

For the Opposite Party/s : Mr.Md. Mushtaque Alam

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 07-07-2023 Learned counsel for the petitioner is permitted to

remove defect (s), as pointed out by the office, if any, within a

period of four weeks on resumption of physical mode.

Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner has preferred this application for grant
of regular bail in connection with Complaint Case No. 74 of
2018 dated 28.03.2018 registered for the offences punishable u/s
420 read with 34 of the Indian Penal Code.

As per the prosecution case, the complainant had paid
Rs. 4 lacs to the co-accused Md. Jahir and Rs. 7 lacs to the
petitioner in lieu of transferring the land in favour of the



complainant but they have transferred the said land to other person and are not ready to return the advance money.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Learned counsel for the petitioner placed reliance on the judgment in the case of **Bimla Tiwari Vs. State of Bihar and Others (Special Leave Petition (CRL.) Nos. 834-835 of 2023)** at para 10, the Hon'ble Apex Court has held that *"we would reiterate that the process of criminal law cannot be utilised for arm-twisting and money recovery, particularly while opposing the prayer for bail"*. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 15.03.2023.

Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Pupri, Sitamarhi in connection with Complaint Case No. 74 of 2018, with the condition:-



1. The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

The application stands allowed.

(Chandra Prakash Singh, J)

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