

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36566 of 2022

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

Md. Mujir @ Kadir @ Abdul Kadir Khan Son of Late Kuddus Sah @ Kuddus, R/O- Khaira Garhaiya, Ward No.-10, P.S.- Narpatganj, District- Araria.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioner : Mr. Arun Kumar Mandal, Advocate
For the State : Mr. Anil Kumar Singh No.1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

4 18-01-2023 The applicant/accused in Crime No.410 of 2020 registered with Narpatganj Police Station for the offences punishable under Sections 420, 406 and 120(B) of the Indian Penal Code, by this application is seeking his release on bail during the pendency of the trial. His earlier bail application filed prior to framing of the charge was rejected by this Court vide order dated 01.02.2022 and it is reported by the learned counsel for the applicant and undisputed by the learned Additional Public Prosecutor that now, the charges have been framed on 05.01.2023.

The learned counsel appearing for the applicant argued that the offence is not exclusively punishable with life imprisonment or death and, therefore, after framing of the



charges, further pretrial detention of the applicant is not warranted.

The learned Additional Public Prosecutor opposed the application.

I have considered the submissions so advanced and also perused the materials placed on record.

According to the prosecution case, one Prem Prakash, resident of Nagaur district of Rajasthan State was enticed to come to Bihar for purchase of land at Forbesganj area by co-accused Jiwan Ram. The meeting for that purpose was arranged at the house of the present applicant and said Prem Prakash came to the house of the applicant with cash amounting to Rs.25 Lacs. During the course of that meeting, a farce of Income Tax raid was made by the accused persons and that is how the amount of Rs.25 Lacs came to be looted from Prem Prakash. The applicant is having some criminal antecedents.

The investigation of the subject crime is over. The applicant is undergoing pretrial detention from 08.02.2021. The trial will take its own time to complete. The charges are already framed. Hence, further pretrial detention of the applicant is not warranted and, therefore, the order:

(i). The application is allowed.



(ii). The applicant/accused in Crime No.410 of 2020 registered with Narpatganj Police Station for the offences punishable under Sections 420, 406 and 120(B) of the Indian Penal Code, be released on bail on executing P.R. Bond of Rs.30,000/- (Rupees Thirty Thousand) and on furnishing two sureties of the like amount to the satisfaction of the learned Trial Court with the following conditions :-

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the Trial Court in expeditious disposal of the trial against him.

(III) The applicant/accused should not repeat commission of similar offence in future and if they are found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

(IV) The applicant/accused should not tamper prosecution evidence in any manner.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this



order only after removal of office objections by the applicant.

(A. M. Badar, J)

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