

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39711 of 2023

Arising Out of PS. Case No.-440 Year-2020 Thana- PHULWARISHARIF District- Patna

Jawed Equbal Son Of Abdul Hasnat @ Md. Hasnat Siddique Resident Of
Village - Pathara, P.S. - Garkha, Distt. - Saran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar

For the Opposite Party/s : Mr.Satya Nand Shukla

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 08-08-2023 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 420, 406, 506 and 34 of the Indian Penal Code and the charge-sheet has been submitted under Sections 406, 419, 420, 468, 467, 471, 384, 386, 120B, 387 504, 506 and 34 of the IPC.

The prosecution case in short, is that, the informant, namely, Mohammad Suhail Alam has alleged that he is running a business in the name and style of Almir Traders and during the course of his business, he met the petitioner, who is proprietor



of Saran Enterprises and on his assurance to supply goods of F.M.C.G Company, the informant gave 15 lakhs to the petitioner as security amount through R.T.G.S. in different account of banks of the petitioner but after assurance, the petitioner neither supplied the same to the informant nor he returned his security amount of Rs. 15 lakhs then the informant demanded his money from the petitioner and in this regard, a Panchayati was held between both of them in which, it has been decided that the petitioner will pay Rs. 12 lakhs to the informant but till date, the petitioner did not return his money and on demand, the petitioner threatened to kill him and his family members. Thereafter, this case has been registered.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. It is further submitted that the informant has himself admitted that arbitration was held between both the parties in presence of Arbitrators in which both parties came on settlement of Rs. 12,00,000/-. Further by way of supplementary affidavit No.1 on behalf of the petitioner, it is mentioned in para- 3 that Rs.1.5 lakhs sent through the NEFT from the account of Sabir Hussain(relative of with petitioner) through Account No. 3512122879, Central Bank of



India, Patedhi Saran Chapra Saran on 18.01.2021 and Rs. 1.5 Lakhs sent through the NEFT from the account of Pramod Kumar Singh (relative of the petitioner) through the Account No. 3852403522, Central Bank of India Patedhi Chapra, Saran and both the amounts were sent in the Account No. 21304011000220 in Oriental Bank of Commerce of M/S Sai Enterprises, Bihta Patna on the instruction of the informant and the account number was provided by him and in support of this Annexure-1 is annexed in this supplementary affidavit. From para- 4 and 5 of the first supplementary affidavit, total 5.5 lakhs was deposited by the petitioner's wife and maternal uncle of the petitioner in the account No. 20500510001240 of the informant and Rs. 50,000/- in cash to the informant as well. It is also submitted by way of second supplementary affidavit on behalf of the petitioner in para-3 that the petitioner is ready and willing to pay remaining amount of Rs. 3 lakhs to the informant during the course of the day of the hearing of the present bail application vide Cheque No. 002104 dt. 08.08.2023 issued by the wife of the petitioner namely, Jara Sheikh (only with request to present after a week) and in support of this, Annexure-1 of second supplementary affidavit has been annexed. Moreover, the petitioner is languishing in judicial custody since



17.11.2022.

Learned APP appearing for the state and learned counsel for the informant have opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Phulwarisharif P.S. Case No. 440 of 2020 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. XIVth, Patna.

(Sunil Kumar Panwar, J)

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