

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39837 of 2022

Arising Out of PS. Case No.-230 Year-2020 Thana- KATRA District- Muzaffarpur

BAKAR AHMAD @ WAQUAR ALAM @ WAQUAR AHMAD Son of
Sakeel Ahmad R/O Vill.- Khanpur, P.S.- Katra, District - Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Abuzar, Son of Waliur Rahman, R/o Village-Agahari, P.S.-Katra,
District-Muzaffarpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anish Kumar, Advocate
For the Opposite Party/s : Mr.Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 16-10-2023 Heard Mr.Anish Kumar, learned counsel for the

petitioner and Mr.Shantanu Kumar, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Katra P.S. Case No.230 of 2020, FIR dated
06.10.2020 registered for the offences punishable under
Sections 406,420,504,506,34 of IPC.

3. Allegation against the petitioner and other co-
accused persons is of committing fraud by taking
Rs.2,80,000/- on 21.09.2019 from the informant at his house
for providing job to his brother Md. Wasim Akram, Najre
Mohammad and brother-in-law Md. Irfan.



4. Learned counsel for the petitioner submits that petitioner has clean antecedent. He has falsely been implicated in the present case. Further submits that as per allegation in the FIR the petitioner has received Rs. 2,80,000/- for helping to get job in Dubai and in the Panchayati the petitioner has returned Rs. 35,000/- to the informant. Learned counsel for the petitioner outrightly submits that on the basis of the instruction that he is ready to return Rs. 2,35,000/- to the informant and he shall produce the demand draft in favour of the complainant/informant at the time of furnishing his bail bond.

5. Learned APP for the State submits that if the petitioner returns the aforesaid amount to the complainant/informant, namely, Md. Abuzar, he has no objection.

6. Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of forty five days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned J.M.1st Class, Muzaffarpur in connection with Katra P.S. Case No.230 of



2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) The petitioner shall deposit Rs. 2,35,000/- by way of demand draft in favour of the complainant/informant, namely, Md. Abuzar at the time of furnishing bail bond and the learned court below is directed to hand over the said demand draft to the complainant/informant, namely, Md. Abuzar or his representative.

(II) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bonds shall be cancelled by the Court below.

(III) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(IV) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his/her criminal antecedents, the court below shall take step



for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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