

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42051 of 2022

Arising Out of PS. Case No.-25 Year-2022 Thana- CHAUSA District- Madhepura

MD. NASIM ANSARI @ MD. NASIM Son of Murtaz Ansari R/o village -
Badri Tola, Basaitha, P.S. - Chausa, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Barun Kumar Singh, Adv.

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 18-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Chausa P.S. Case No. 25 of 2022 dated 07.02.2022 registered
for the offence under Sections 406, 420 and 34 of the Indian
Penal Code.

The petitioner is alleged to have duped the
informant and others and took maize corns of Rs. 9,10,247/-
on credit from several farmers and did not pay the amount
in question in return.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case. He



further submits that the allegation levelled in the F.I.R. against the petitioner is false and fabricated as the informant has not furnished any documentary piece of evidence in support of his allegation as alleged in the F.I.R., therefore, mere on bald allegation, the petitioner should not be subjected to be prosecuted under Section 406 and 420 of the Indian Penal Code. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 08.02.2022.

Learned counsel for the informant as well as learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner and submits that the petitioner has tried to mislead the Court by suppressing the fact that he has got one criminal antecedent whereas in paragraph No. 3 of the bail application, it has been mentioned that he has no criminal antecedent.

A report with regard to present stage of the trial has been called for by this Court vide order dated 17.03.2023 which has been received and forms part of this application at Flag-R. On perusal thereof, it would reveal that charge has been framed in this case against the petitioner



under Sections 406 and 420 of the Indian Penal Code on 28.02.2023 and the case is pending for prosecution evidence.

Learned counsel appearing for the petitioner referring to the aforesaid report submits that the trial of this case is not likely to be concluded in near future and the petitioner is languishing in judicial custody since 08.02.2022 i.e more than one year.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 S.D.J.M., Udakishunganj in connection with Chausa P.S. Case No. 25 of 2022 with the following conditions:-

(1) 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 bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to



move for cancellation of bail.

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 criminal antecedent, 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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