

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46488 of 2022**

Arising Out of PS. Case No.-197 Year-2022 Thana- DUMRAO District- Buxar

MD. MERAJ KHAN SON OF LATE MOHIYUDDIN KHAN R/O
MOHALLA- AT NEW BAZAR, WARD NO. 05, KESATH, P.S.-
NAWANAGER, DIST.- BUXAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nawal Kishor Singh, Advocate.

For the Opposite Party/s : Mr. Raj Ballabh Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 08-02-2023 Heard learned counsel for the petitioner, learned
counsel for the informant as well as learned Additional Public
Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 420 and 406 of the Indian
Penal Code.

According to prosecution case, two accused persons
namely Md. Rafik Khan @ Chhotu Khan and Lackey Khan @
Javed Khan came at the house of informant and told him that the
petitioner is happened to be their relative and used to work to
send the unemployed persons to Dubai for employment and on



that assurance the informant and his brothers paid Rs. 2, 66,000/- and they were given offer letter and visa along with flight ticket for going to Dubai. It is further alleged that the petitioner has given them a tourist visa in place of employment visa and misappropriate the entire amount.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that as per allegation in the F.I.R., the petitioner has given a tourist visa in place of employment visa and misappropriate the amount in question. He further submits that in fact, the petitioner is 55% physically handicapped person and he has no connection at all with the alleged occurrence. The police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 02.05.2022.

The learned counsel for the informant as well as learned counsel for State have vehemently opposed the prayer for bail of the petitioner and submit that the petitioner carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Court below where the case is pending in connection with Dumraon P.S. Case No. 197 of 2022, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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