

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50718 of 2023

Arising Out of PS. Case No.-141 Year-2023 Thana- AMAUR District- Purnia

MD. RASHID Son of Md. Manjoor Alam @ Mansoor Alam RESIDENT OF
VILLAGE VISHANPUR P.S. AMOUR DISTT PURNIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar, Advocate

For the Opposite Party/s : Mrs. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 30-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since 08.05.2023 in connection with Amour P.S. Case No. 141 of 2023, F.I.R. dated 07.05.2023 for the offences punishable under Sections 417, 419, 420, 465, 467, 471, 472, 473, 474, 120-B/34 of the Indian Penal Code.

3. According to prosecution case, the informant got secret information that the accused persons including the petitioner are withdrawing money by using fingerprints of other persons raided the place and number of incriminating articles recovered which included amongst other SIMs, the coloured oiled cloth pieces, seventy rubber finger prints was recovered from the possession of the petitioner.



4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case on the basis of disclosure made by the Raushan Zamir who is co-accused in the present case. He further submits that on the basis of disclosure made by the co-accused person the police has raided the house of the petitioner and 70 rubber fingerprint and number of photo copy of Aadhar Card from the possession of the petitioner. He further submits that there is non-compliance with mandatory procedure prescribed for recovery under Section 100 of Cr.P.C. and no one has filed any complaint with respect to the any fraudulently conducted by the petitioner and other co-accused persons. He further submits that similarly situated, co-accused, namely, Raushan Zamir who has disclosed the name of the petitioner has been granted bail by a co-ordinate Bench of this Court vide order dated 25.08.2023 passed in Cr. Misc. No. 54955 of 2023. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 08.05.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.



6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail, **after framing of charge**, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea in connection with Amour P.S. Case No. 141 of 2023, 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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