

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55707 of 2023

Arising Out of PS. Case No.-786 Year-2020 Thana- ARARIA District- Araria

1. Md Rizwan @ Md Rizbanul Haque Son of Anwar R/o vill - Chainpur, ward no. 01, P.S. - Mahalgaon, Distt. - Araria
2. Md Sarfaraz Son of Arif R/o vill - Jhawwa, P.S. - Tarabari, Distt. - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Md. Ziaul Quamar, Advocate
For the Opposite Party/s	:	Mr. Nirmal Kumar Sinha, APP
For the Informant	:	Mr. Alok Kumar Alok, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 13-12-2023 Heard Mr. Md. Ziaul Quamar, learned counsel for the petitioners, Mr. Alok Kumar Alok, learned counsel appearing on behalf of the informant as well as Mr. Nirmal Kumar Sinha, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Araria P.S. Case No. 786 of 2020, F.I.R. dated 24.09.2020 for the offences punishable under Sections 406, 420, 341, 323, 354 and 504 of the Indian Penal Code.

3. According to prosecution case, these petitioners along with other accused persons have committed fraud of Rs. 40,000/- with the informant.

4. Learned counsel for the petitioners submits that



petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that during pendency of the bail petition, the petitioners have returned Rs. 40,000/- to the informant and the same was accepted by the informant.

5. The learned counsel appearing on behalf of the informant submits that he has received the said amount i.e. Rs. 40,000/- from the petitioners.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with Araria P.S. Case No. 786 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. Petitioners 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 their absence on two consecutive dates without sufficient



reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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