

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58340 of 2022

Arising Out of PS. Case No.-358 Year-2022 Thana- AHIYAPUR District- Muzaffarpur

NAZMUL HODA S/o Md. Bashir Ahmad Resident of village-
Belapanchgachhiya, P.S.- Akiyapur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 58368 of 2022

Arising Out of PS. Case No.-358 Year-2022 Thana- AHIYAPUR District- Muzaffarpur

MD. TANVIR @ SUHAIB S/O MD. MOSHIM Resident of village-
Mustafapur, P.S.- Ahiyapur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 58340 of 2022)

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

For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP

(In CRIMINAL MISCELLANEOUS No. 58368 of 2022)

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

For the Opposite Party/s : Mr.Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 06-01-2023 Heard the learned counsel for the
petitioners and the learned A.P.P. for the State.

The petitioners seek regular bail in
connection with Ahiyapur P.S. Case No. 358 of 2022
for the offence registered under Sections 420 and
406/34 of the Indian Penal Code.

The allegation is regarding the petitioners



of the aforesaid two cases having swindled a sum of rupees three lacs of the informant by opening a committee and making the informant and others members of the said committee with a promise that within 20 months, the amount deposited with the said committee would be doubled. It is alleged that huge sum of money was then misappropriated by the petitioners from the other members as well.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case, are having a clean antecedent and they are languishing in custody since 05.05.2022. The learned counsel for the petitioners of the aforesaid two cases has further submitted that though the allegation has been levelled against the petitioners of misappropriating of huge sum of money from various investors, however, as far as the informant is concerned, he has alleged that a sum of Rs. 3,00,000/- was misappropriated by the petitioners, however, in case other investors are aggrieved, they are free to file independent cases, however,



the petitioners cannot be blamed by considering the general allegation levelled by the informant of the present case. It is also submitted that the fact is that the petitioners have not opened any office and they are agents of a finance company. Lastly, it is submitted that the petitioners are ready and willing to deposit the aforesaid sum of rupees three lacs before the learned court below, which may be, upon due verification, released in favour of the informant, in order to secure the privilege of bail.

Per contra, the learned counsel for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners and taking into account the fact that the petitioners are ready and willing to pay the aforesaid amount of Rs. 3,00,000/-, alleged by the informant, to have been misappropriated by the petitioners, I deem it fit and proper to direct for release of the petitioners immediately upon deposit of the aforesaid sum of Rs. 3,00,000/- with



the Nazarat of the learned civil court at Muzaffarpur in connection with Ahiyapur P.S. Case No. 358 of 2022, subject to such conditions as may be deemed fit and proper to be imposed by the learned court of 11th Additional Sessions Judge, Muzaffarpur, for the purposes of grant of bail, with a further direction that the said amount of Rs. 3,00,000/-, shall be released in favour of the informant, upon due verification, and subject to such terms and conditions as may be deemed appropriate to be imposed.

Both the petitions stand disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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