

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61307 of 2023

Arising Out of PS. Case No.-225 Year-2020 Thana- JHANJHARPUR District- Madhubani

MD. FAIJUL son of Md. Abul Hasan Village- Sangram PS- Araria Sangram
OP Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 11-10-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

2. The petitioner apprehends his arrest in
connection with Jhanjharpur (ASOP) P.S. Case No.
225 of 2020, registered for the offences punishable
under Sections 406 and 420/34 of the Indian Penal
Code and Section 138 of N.I. Act.

3. The allegation is regarding the informant
having solemnized court marriage on 04.01.2018
with one Sabiya Khatoon at Civil Court, Patna and
later on having solemnized marriage as per muslim
customs with her, however, with the elapse of
time, the said Sabia Khatoon is stated to have
developed illicit relationship with the petitioner and
on his instigation/insistence, she is stated to have



asked the informant for money for the purposes of purchasing land at Madhubani, whereupon the informant is stated to have given her a sum of Rs. 10,000,00/- (rupees ten lacs), but she did not purchase any land and upon the informant having demanded his money back, the said Sabiya Khatoon had given two cheques for a sum of Rs. 5,00,000/- (rupees five lacs) each but the same had bounced.

4. The learned counsel for the petitioner has submitted that the petitioner is innocent and he has been falsely implicated in the present case. The learned counsel for the petitioner has further submitted that though the petitioner is an accused in one another case but he is on bail in the said case. The learned counsel for the petitioner has also submitted that neither the money was given by the informant to the petitioner nor the petitioner had given any cheque to the informant, hence the petitioner is having no role to play in the alleged incident and if at all anybody is having any complicity in the matter, it is the wife of the



informant, namely, Sabiya Khatoon, thus, it is prayed that the petitioner be granted the privilege of anticipatory bail.

5. *Per contra*, the learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record, this Court finds that neither the petitioner had taken money from the informant nor he had given any cheque to the informant, thus, prima facie this Court finds that the petitioner is having no complicity in the matter, hence I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail.

7. Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order,



on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Jhanjharpur, Madhubani in connection with Jhanjharpur (ASOP) P.S. Case No. 225 of 2020, subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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