

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59643 of 2022

Arising Out of PS. Case No.-131 Year-2022 Thana- NAUGACHIA District- Bhagalpur

MD. SAHABUDDIN Son of Late Gul Mohammad Resident of Village-
Kumhiya, P.O.- Lohagara, P.S- Bahadurganj District- Kishanganj at present
posted as Rajaswa Karmachari, Circle Office- Naugachia, P.S.- Naugachia,
District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha, Adv.

For the Opposite Party/s : Mr.Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 06-02-2023 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in connection with
Naugachia P.S. Case No. 131 of 2022 instituted under Sections
384/420 of the Indian Penal Code and Section 7 of Prevention of
Corruption Act.

As per the prosecution story, the informant, Circle
Officer, Naugachia complained that one Bijendra kumar appeared
before the Sub-Divisional Public Grievance Officer with allegation
that this petitioner demanded Rs. 5,000/- for issuance of rent
receipt and an audio clip was attached to it from which it was found
to be matching the present petitioner.

Accordingly, the FIR.

Learned counsel for the petitioner submits that even in



the audio clip only the offer part is there, at no place, the petitioner demanded money. Further, there was no occasion for the said demand in view of the fact that on 23.3.2022 itself, he had forwarded a report of Anchal Amin stating that the land is a 'Kabil Lagan' and as such, rent receipt cannot be issued. Upon knowledge of the same on 1.4.2022, the complaint followed by the FIR.

Learned APP on the other hand opposes the prayer of bail stating that in the audio clip, the voice is matching with that of the petitioner.

Taking into account all the aforesaid facts including the defence of the petitioner that already a report was submitted that no rent receipt can be issued for that particular land, the petitioner do not have criminal antecedent, this Court is inclined to extend him privilege of anticipatory bail.

Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Naugachia P.S. Case No. 131 of 2022 to the satisfaction of learned A.C.J.M.-I, Naugachia, subject to the conditions as laid down under Section 438(2) of the Cr.P.C and with further conditions :



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Ajay Singh/-

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