

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65341 of 2022

Arising Out of PS. Case No.-505 Year-2020 Thana- HARSIDHI District- East Champaran

1. Jasmuddin Miyan S/O Late Khalil Miyan Resident Of Vilalge- Ghiwadhar, P.S.- Harshidhi, District- East Champaran.
2. Alauddin Miyan S/O Late Khalil Miyan Resident Of Vilalge- Ghiwadhar, P.S.- Harshidhi, District- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate

For the Opposite Party/s : Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-03-2023 Heard learned counsel for the petitioners, learned counsel appearing on behalf of the informant and learned Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within a period of four weeks from today.

Petitioners seek bail in a case registered for the offences punishable under Sections 406, 420/34 of the Indian Penal Code.

According to prosecution case, in brief, is that petitioner no.1 after taking consideration of amount of Rs.90,000/- on 20.10.2020 he did not executed sale deed in favour of the informant, while the informant has already



deposited the money of Registry on 28.10.2020.

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 as per allegation as alleged in the F.I.R. is that petitioner no.1 after taking the amount in question he did not execute the sale deed in question. He further submits that in fact the petitioners have not received any amount in question from the informant so they did not execute the agreement in sale in favour of the informant. He further submits that the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 01.09.2022.

The learned counsel appearing on behalf of the informant and learned Additional Public Prosecutor for the State have vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances, let the petitioners, above named, 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 Court below where the case is pending in connection with Harshidhi P.S. Case No. 505 of 2020, subject to the following conditions:-

1. 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.

2. If the petitioners tamper 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 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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