

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71024 of 2023**

Arising Out of PS. Case No.-164 Year-2021 Thana- JAYNAGAR District-
Madhubani

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MD. KADIR S/O MD. WAJIR R/O VILLAGE- JAINAGAR RAJPUTANA TOL,
P.S- JAINAGAR, DISTT.- MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Bharat Lal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 15-12-2023 Heard Mr. Manoj Kumar Pandey, learned counsel for

the petitioner and Mr. Bharat Lal, learned counsel for A.P.P. for

the State.

The petitioner seeks bail in connection with Jainagar
P.S. Case No. 164 of 2021 registered for the offence under
Sections 406, 420, 341, 323, 120(B) of the Indian Penal Code.

The petitioner is alleged to have grabbed the money of
the complainant which was given to him on the pretext of
providing job in Dubai.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that
the allegation, as alleged in the F.I.R., is false and fabricated and
the petitioner has not committed any offence. He further submits



that the present complaint was filed in the year 2017 and the F.I.R. has been registered after delay of about 4 years in the year 2021. As per the allegation, the petitioner was supposed to provide job visa for engagement in Dubai and in lieu thereof he has taken Rs. 3,00,000/- from complainant and his cousin and did not manage to prepare job visa. He further submits that on the basis of documents given by the complainant, the petitioner has managed to prepare tourist visa to the complainant.

He further contends that the petitioner has been granted provisional bail vide order dated 10.10.2022 passed in Cr. Misc. No. 66123 of 2021 and his bail bonds have been canceled thereafter he has been taken in to custody on 22.04.2023 and sent to the judicial custody on 23.04.2023 since then he is languishing in judicial custody. He further submits that the case is magistrate triable and the petitioner has undergone two years of his incarceration.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case and the period of custody, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Madhubani in connection with Jainagar P.S. Case No. 164 of 2021 with the following conditions:-



(1) Petitioner 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 his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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