

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16266 of 2024

Arising Out of PS. Case No.-596 Year-2021 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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Md. Zafar Iqbal @ Md. Zafar Iqbal @ Zafar Ekbal S/o Late Amiruddin, R/o
Village - Kolhua Paigamberpur, P.S. - Ahiyapur, in the district of Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Ms. Supriya Kumari, Advocate
For the Opposite Party : Mr. Rabindra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 19-04-2024 Heard Ms. Supriya Kumari, the learned counsel for
the petitioner and Mr. Rabindra Kumar, the learned Additional
Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since
16.11.2021 in connection with Muzaffarpur Town P.S. Case No.
596 of 2021, FIR dated 10.08.2021, registered for the offences
punishable under Sections 420, 379, 467, 468, 471 and 120(B) of
the Indian Penal Code.

3. Earlier the petitioner has moved before this Hon'ble
Court in Cr. Misc. No. 50080 of 2022, which was rejected vide
order dated 28.02.2023.

4. According to the prosecution case, Rs. 1,07,75,000/-
(Rupees one crore seven lakhs and seventy-five thousand) was
fraudulently withdrawn from the savings bank account of the



informant through RTGS mode between 10.06.2021 to 15.06.2021.

5. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case and bare perusal of the FIR it appears that the current FIR is instituted against the employed officers of the bank and the telecom operators. He further submits that petitioner is not named in the FIR and the name of the petitioner has transpired during investigation and the petitioner was arrested in Muzaffarpur Town PS Case No. 487 of 2021 and remanded in the present case and thereafter, the statement of the petitioner was recorded in which he has stated that he was involved in the present crime in question and except the aforesaid no other cogent material has come during investigation which suggests the involvement of the petitioner in the present occurrence. He lastly submits that co-accused namely, Rajesh Kumar has been granted bail by this Court vide order dated 04.09.2023 passed in Cr. Misc. No. 26340 of 2023 and another co-accused namely, Kundan Kumar has also been granted bail by a co-ordinate Bench of this Court vide order dated 11.01.2023 passed in Cr. Misc. No. 16964 of 2022.

6. Vide order dated 01.03.2024 a report was called for with regard to the stage of the trial and report dated 14.03.2024 of the learned trial Court reveals that on 12.09.2022 charges were



framed against all the accused persons, but the prosecution has failed to examine any witnesses as yet.

7. Learned counsel for the petitioner submits that in view of the report of the learned trial Court, there is no chance of early conclusion of the trial in near future and the petitioner is in custody since 16.11.2021.

8. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that earlier the bail application of the petitioner was rejected on the ground that the bail application of the co-accused namely, Nitesh Kumar Singh has been rejected by a co-ordinate Bench of this Court. He also submits that petitioner has five criminal antecedents other than the present one, however, he fairly admits that petitioner is on bail in four of these cases and bail application of the petitioner with respect to Chapra Town PS Case No. 289 of 2021 is pending in the learned trial Court.

9. Considering the aforesaid facts and circumstances as well as the report of the learned trial Court and petitioner's period of custody, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Muzaffarpur in connection with **Muzaffarpur Town P.S. Case No. 596 of 2021**, subject to the



following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial Court.

(ii). 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.

(iii). And further condition that the trial Court 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 trial Court 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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