

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18049 of 2024

Arising Out of PS. Case No.-372 Year-2022 Thana- NAWADA District- Nawada

Md. Hasim @ Hasim Malik @ Hasim Mallik Son Fo Nasiruddin Resident Of
Village- Ali Nagar, Bhadauni, Ps- Nawada, Dist- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Deepak Kumar, Advocate
For the State	:	Mr. Choubey Jawahar, APP
For the Informant	:	Mr. Sanjay Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-04-2024 Heard Mr. Deepak Kumar, learned counsel for the petitioner, Mr. Choubey Jawahar, learned APP for the State and Mr. Sanjay Kumar Sinha, learned counsel appearing on behalf of the Informant.

2. The petitioner is apprehending his arrest in connection with Nawada Town P.S. Case No. 372 of 2022, F.I.R. dated 22.04.2022 for the offences punishable under Sections 341, 323, 379, 504, 406 and 34 of the Indian Penal Code.

3. According to prosecution case, after getting the money of Rs. 5,60,000/- from the informant, the petitioner along with other co-accused denied to return the money to the informant.



4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the petitioner is owner of the HM brand Brick kiln and the co-accused person, namely, Vikram Prasad Singh is a partner of the said firm. He further submits that it appears from the FIR that there is no specific allegation against the petitioner rather there is specific allegation against the co-accused person, namely, Vikram Prasad Singh that he has taken Rs. 5,60,000/- from the informant and in fact the petitioner has already filed Complaint Case No. 441 of 2022 against the co-accused, namely, Vikram Prasad Singh who happens to be the partner of the firm of the petitioner.

5. Learned counsel for the informant as well as learned Additional Public Prosecutor for the State, on the other hand, have vehemently opposed the prayer for bail of the petitioner and submits that in connivance with the petitioner, the co-accused has received the amount from the informant and apart from that the petitioner had carried two cases other than the present one but he has suppressed the fact and stated in the bail petition that the petitioner has clean antecedent.

6. Considering the aforesaid facts and circumstances,



let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 the learned Chief Judicial Magistrate, Nawada in connection with Nawada Town P.S. Case No. 372 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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 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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