

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21113 of 2024

Arising Out of PS. Case No.-226 Year-2022 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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Firoz Mian @ Firoz Alam son of Safi Thakur Resident of village- Ratanmala
PS- Bagaha, Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prithvi Nath Mishra, Advocate
For the Opposite Party/s : Mr.Dr. Ajeet Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-04-2024 Heard Mr.Prithvi Nath Mishra, learned counsel

for the petitioner and Mr.Dr. Ajeet Kumar, learned

Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Trial No.1575 of 2022 arising out of Complaint Case No.226 of 2022, registered for the offences punishable under Sections 323,341,406,420,504,506 and 34 of the Indian Penal Code.

3. As per complaint petition, the complainant transferred the amount of Rs.2,64,000/-in the account of co-accused, namely, Usman Ali for getting a job. Petitioner is relative of the co-accused, namely, Usman Ali.



4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. The allegation as alleged in the complaint petition is false and fabricated and from a bare perusal of the complaint petition as well as S.A. of the complainant it appears that the complainant has paid the amount in question in the bank account of the co-accused, namely, Usman Ali and in fact the petitioner is relative of co-accused person, namely, Usman Ali and petitioner had not received any amount in his bank account or cash from the complainant and petitioner has no concern at all with the co-accused person.

5. Learned A.P.P. for the State, on other other hand, has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts, the petitioner has clean antecedent and he has not received any amount from the complainant, let the petitioner, above named, in the event of his 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 learned A.C.J.M.-I, Bagaha, West Champaran in connection with Trial No.1575 of 2022 arising out of Complaint Case No.226 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/her absence on two consecutive dates without sufficient reason, his/her 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/her 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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