

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21625 of 2024

Arising Out of PS. Case No.-336 Year-2022 Thana- AAJAM NAGAR District- Katihar

MD. MUJAFFAR @ MUJAFAR @ MUJAFFAR Son of Md. Balis Resident
of Village-Nandania Nimaul, Police Station-Azamnagar, District-Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md Rahmatullah, Advocate

For the Opposite Party/s : Ms.Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 28-08-2024 Heard Mr.Md Rahmatullah, learned counsel for the
petitioner and Ms.Asha Devi, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
09.12.2023, in connection with Azamnagar P.S. Case No. 336
of 2022, F.I.R. dated 11.10.2022 in a case registered for the
offence under Sections 366,120(B)/34 of IPC.

3. The prosecution case, in short, is that in absence of
the informant, the FIR named accused persons enticed the wife
of the informant on 02.09.2022 and while the informant
searched her, the informant learnt from the reliable sources, the
FIR named accused persons enticed her for immoral purpose.

4. Learned counsel appearing for the petitioner
submits that the petitioner has clean antecedent. He has falsely
been implicated in the present case. The allegation as alleged in



the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 09.12.2023.

5. Learned A.P.P. for the State, on the other hand, on the basis of the material available on the record and the case diary, has vehemently opposed the prayer for bail of the petitioner and submits that the victim was recovered and her statement was recorded under Section 164 Cr.P.C. in which she has categorically stated that the petitioner has committed wrong with her.

6. Considering the aforesaid facts, let the petitioner, above named, be released on bail **after framing of the charges, if not framed as yet** on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Azamnagar P.S. Case No. 336 of 2022 with the 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 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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