

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24064 of 2024

Arising Out of PS. Case No.-172 Year-2023 Thana- BAUNSI District- Araria

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1. MD. NAKIB S/O- MD. NAUSHAD R/O- VILLAGE- KARAILA, EAST TOLA, WARD NO.- 01, P.S.- BAUNSI, DIST.- ARARIA.
 2. MD. ISRAR ALAM @ ISRAR ALAM S/O- MD. IRSHAD ALAM R/O- VILLAGE- KARAILA, EAST TOLA, WARD NO.- 01, P.S.- BAUNSI, DIST.- ARARIA.
 3. MD. GUDDU @ GUDDU @ MD. IMRAN S/O- ABDUL SATTAR @ MD. SATTAR R/O- VILLAGE- KAREKIYA, P.S.- BAUNSI, DIST.- ARARIA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 27879 of 2024

Arising Out of PS. Case No.-172 Year-2023 Thana- BAUNSI District- Araria

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1. Md. Akhtar SON OF BADRI RESIDENT OF VILLAGE- SUPARIBARI WARD NO. 1, PS- BOUSI, DIST- ARARIA
 2. MD. INSUL SON OF ALAUDDIN RESIDENT OF VILLAGE- SUPARIBARI WARD NO. 1, PS- BOUSI, DIST- ARARIA

... .. Petitioner/s

Versus

1. The State of Bihar
2. MD. MINTU SON OF ATABUL RESIDENT OF VILLAGE- MAHNI, BALU TOLA, WARD NO. 14, PS- BOUSI, DIST- ARARIA

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 24064 of 2024)

For the Petitioner/s : Mr. Kundan Kumar Singh, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 27879 of 2024)

For the Petitioner/s : Mr. Munish Om Prakash Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 20-07-2024

Heard Mr. Kundan Kumar Singh, learned counsel for



the petitioner and Mr. Bharat Bhushan, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Baunsi P.S. Case No. 172 of 2023 instituted under Sections 419, 420 and 406 of the Indian Penal Code lodged on 16.10.2023 by the informant, Md. Mintu.

3. As per the prosecution story, the host of persons have alleged that in the garb of making the money double, the accused persons have taken their amount. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that they are law abiding citizens, do not have any criminal antecedent, nothing to do with the said alleged act, there is nothing on record to show who has given what amount and the last submission is that they will be diligently appearing in trial.

5. Learned APP in both the cases opposes the prayer submitting that they used to cheat the innocent people by luring their money with the assurance that it will get double.

6. Taking into account the aforesaid facts as also the FIR, the petitioners will be facing trial, they do not have criminal antecedent, will diligently appear in trial and similar situate other accused persons have been extended the relief in Cr. Misc. No. 18517 of 2024 (Laxmi Ram) and Cr. Misc. No.



10176 of 2024 (Babul @ Babloo @ Md. Nazim), this Court is inclined to extend them privilege of anticipatory bail in both the cases with conditions.

7. Let the petitioners be released on bail in the event of their arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Araria in connection with Baunsi P.S. Case No. 172 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document to show their bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark his attendance;



(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

Adnan/-

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