

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38092 of 2024

Arising Out of PS. Case No.-630 Year-2023 Thana- KOTWALI District- Patna

Md.Atullah Son Of Abdul Rasid Resident Of Village- Budha Nagar, Village
And Post- Islampur, Dist- Nalanda At Present Isopur Naharpur, Phulwari
Sharif. P.S.- Phulwarisharif, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Brij Bihari Tiwary, Advocate
For the State	:	Mr. Uma Shankar Prasad Singh, APP
For the Informant	:	Mr. Manish Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 31-07-2024 Heard learned counsel for the petitioner and learned APP
for the State as also learned counsel for the informant.

2. The petitioner seeks bail in connection with
Kotwali P.S. Case No. 630 of 2023 instituted for the offence
under Sections 341, 342, 323, 506, 379, 420 & 34 of the Indian
Penal Code.

3. Prosecution case is that informant used to chat with
one 'Md. Firdous' who called him to meet in a hotel situated at
Dak Bungalow, whereafter, it is alleged that some unknown
persons assaulted the informant and forcibly transferred an
amount of Rs. 5 lakhs to their bank accounts through mobile
phone of the informant.



4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 09-10-2023. Petitioner bears three criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. It is submitted that 'Md. Firdous' and informant knows each other and they used to chat through 'Grinder' app and petitioner has no concern with the app as well as the alleged occurrence, but the amount of Rs. 95,000/- has been transferred in his account with ulterior motive to implicate the petitioner in this case. Learned counsel for the petitioner submits that petitioner is ready to return an amount of Rs.95,000/- to the petitioner in three installments, if he is enlarged on bail.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned counsel for the informant submits that informant has no objection, if petitioner is ready to pay Rs. 95,000/- to the informant.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner and the fact that petitioner is ready to pay Rs. 95,000/- to the informant, this



Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kotwali P.S. Case No. 630 of 2023, subject to the following conditions:

(I) The first of the installment to the tune of Rs. 30,000/- will be deposited to the informant within a period of one month from the date of release of the petitioner and thereafter rest two installments i.e., Rs. 32,500/- and Rs. 32,500/- shall be deposited by the petitioner within a period of three months from the date of credit of first installment.

(II) In case of violation of aforesaid condition, the informant will be at liberty to move for cancellation of bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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