

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35440 of 2024

Arising Out of PS. Case No.-445 Year-2023 Thana- KURTHA District- Jehanabad

Md. Sajid Ekwat @ Md. Nawab Sajid Iqbal @ Nawab Sajid Iqbal son of Late
Md. Sajid Alam @ Md. Sajjad Ahmad, R/o Village- Chiktoli, Ward No.-33,
PS + Dist- Ara (Bhojpur).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Nityanand Neeraj, Advocate

For the Opposite Party : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 31-07-2024 Heard Mr. Nityanand Neeraj, the learned counsel for
the petitioner and Mr. Lalan Kumar, the learned Additional Public
Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Kurtha PS Case No. 445 of 2023, FIR dated
06.12.2023, registered for the offences punishable under Sections
116 and 420 read with Section 34 of the Indian Penal Code.

3. According to the prosecution case, a viral video was
circulated, wherein transaction of money was made by the
petitioner to one Bahan Sweta, and the viral video was inspected
by the informant and Revenue Officer-cum-kanungo. It is further
alleged that Bahan Sweta has admitted that the petitioner through
whatsapp message has demanded money from Raiyat Chitranjan
Prasad for Raiyati karana of Bakasta land. It is further submitted



that this act of Government servant is illegal.

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 present FIR has been instituted on the basis of a viral video and no one has come forward to lodge a complaint or FIR against the petitioner and without forensic examination of the video, the present FIR has been instituted.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and mainly the facts that petitioner has clean antecedent and the present FIR has been instituted on the basis of a viral video that has not been forensically examined, let the petitioner, above-named, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory 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, Arwal, where the case is pending in connection with **Kurtha PS Case No. 445 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following



conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(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 learned trial Court 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 learned trial Court 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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