

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38745 of 2024

Arising Out of PS. Case No.-7 Year-2022 Thana- RUDRAPUR District- Madhubani

Md. Islam Son of Md. Khalil Resident of Village- Tulapatganj, P.S-
Jhanjharpur, Araria sangram O.P, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lakshmindra Kumar Yadav, Advocate
For the Opposite Party/s : Mr. Tarun Prasad Mandal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 26-06-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Rudrapur P.S. Case No. 07 of 2022 registered on 11.01.2022 for the alleged offences under Section 420, 406 and 34 of the Indian Penal Code.

03. As per prosecution case, the petitioner introduced the informant to co-accused Md. Tawrej who further introduced the informant to another co-accused Mr. Mokhtar Warsi @ Son Khan with whom the informant entered into an agreement for purchase of *Hyva* vehicle and an advance consideration amount of Rs. 5 lakh towards total amount of Rs. 21 lakh 81 thousand was paid. However, the co-accused did not transfer the vehicle to the informant and even refused to return the money which was paid to

the co-accused Md. Mokhtar Warsi and his wife.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The allegation against the petitioner is that he introduced co-accused Md. Tawrej and put his signature into the agreement entered into by the informant and Md. Mokhtar Warsi. This agreement was dated 25.08.2020. The petitioner never intended to cheat the informant and only witnessed the agreement. From the F.I.R. it is apparent that nothing was paid to this petitioner and he has no role or overt act in taking any money from the informant. Petitioner is having antecedent of one case of Essential Commodities Act and he is on bail in that case.

05. Learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioner.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that no serious allegation has been levelled against the petitioner for commission of any offences either under Section 420 or 406 of the Indian Penal Code and further considering the possibility of false implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two

sureties of the like amount each to the satisfaction of Court of learned Judicial Magistrate-Ist Class, Jhanjharpur, Madhubani/ concerned court in connection with Rudrapur P.S. Case No. 07 of 2022, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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