

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38544 of 2024

Arising Out of PS. Case No.-734 Year-2023 Thana- LAHERIMUHALLA District- Nalanda

Md. Saheb Son of Md. Kalimuddin Resident of Village - Khasganj, P.S.-
Sohsarai, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Rabindra Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

5 04-10-2024 In this case on 06.09.2024, the learned Chief Judicial
Magistrate, Nalanda was directed to submit a report on the stage
of the case in connection with Laheri P.S. Case No. 734 of 2023.

2. One month later, as per the office notes dated
03.10.2024, the report has not been sent.

3. The learned C.J.M. Magistrate, Nalanda at
Biharsharif is duty-bound to submit the show cause on having
failed to send the report as directed by the Court on 06.09.2024.

4. Heard Mr. Syed Ashfaq Ahmad, learned counsel for
the petitioner and Mr. Ranjeet Kumar Mishra representing the
informant.

5. The petitioner is in custody in connection with
Laheri P.S. Case No. 734 of 2023 for the offence punishable
under sections 364A and 34 of the Indian Penal Code lodged on



06.12.2023 by the informant, Vikram Kumar.

6. As per the prosecution story, the informant alleged that while moving along with friends, he was picked up by the accused persons, forcibly taken to several places and in the process, threatened him of dire consequences and led the brother to transfer amount in the bank account of different persons to the tune of around 8.89 Lakhs. Upon release, as the accused subsequently let him of, the case.

7. Learned counsel for the petitioner submits that the four accused persons include Md. Imtiyaz, Md. Musha Alam, Md. Islam @Tuntun and Chavanni. Subsequently, during investigation, the name of the petitioner cropped up, he was picked up and the Alto car which was used was subsequently seized at his behest. He is in custody since 14.12.2023 (para 4 of the petition).

8. Learned counsel for the petitioner submits that on suspicion, he has been picked up, not a single amount has been transferred in his account, once in custody, he was forced to give the details of his brother-in-law's car which resulted into the seizure of the car which had nothing to do with the incident.

9. The informant has appeared and filed counter affidavit bringing on record the transfer of amount to the



different accused. Learned counsel for the petitioner submits and has been consented by the learned counsel for the informant that not a single penny has been transferred in the account of the petitioner.

10. Learned APP opposes the prayer for bail.

11. The allegation is there, he will be facing the trial, charge-sheet has been submitted, the petitioner is in custody since 14.12.2023, as undertaken by learned counsel for the petitioner, he will be diligently appearing in trial, this Court is inclined to extend him the privilege of bail with conditions.

12. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda in connection with Laheri P.S. Case No. 734 of 2023 subject to the following conditions:

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

(ii) the petitioner 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 his bail bond by the Trial Court itself;



(iii) the petitioner shall appear before the concerned police station every fortnight for one year to mark his attendance;

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

13. List this case on 18.10.2024 under the heading ‘To be Mentioned’ to peruse the report submitted by the learned C.J.M. Nalanda at Biharsharif.

(Rajiv Roy, J)

Vijay Singh/-

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