

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48906 of 2024

Arising Out of PS. Case No.-270 Year-2023 Thana- JOGBANI District- Araria

Mustaque Dhunia Son of Late Noor Mian @ Nur Mohammad But real age is 77 years, Resident of Village - Fena Belahi, Ward No.- 11, P.S.- Jogbani (Bathnaha), District - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kishore Bharti, Advocate

For the Opposite Party/s : Mr. Arvind Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 04-10-2024 Heard Mr. Vijay Kishore Bharti, learned counsel for the petitioner and Mr. Arvind Kumar Pandey, learned APP for the State.

2. Petitioner seeks bail, who is in custody since 06.06.2024, in connection with Jogbani (Bathnaha) P.S. Case No. 270 of 2023, F.I.R. dated 02.11.2023 registered for the offences punishable under Sections 147, 148, 149, 341, 384, 467, 468, 469, 504, 506, 120(B) of the Indian Penal Code.

3. Allegation against the petitioner is that he demanded Rs. 50,000/- as a ransom and in connivance with the Circle Officer the manipulation has been made in Zamabandi register.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the



present case due to admitted land dispute between the parties and for the same set of land one Title Suit No. 493 of 2022 is pending between the parties. He further submits that one of co-accused having a business of land in question on the basis of forgery he has created a false jamabandi in his favour. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and co-accused person namely Md. Nijaroyal has been granted regular bail by the learned Court below in B.P. No. 242 of 2024 and other co-accused person namely Md. Abul has been granted bail by this Court vide order dated 26.04.2024 passed in Cr. Misc. No. 32591 of 2024. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 06.06.2024.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is named in the F.I.R. and apart from that the petitioner has demanded rangdari from the informant as well as the petitioner carries four more cases other than the present but fairly submits on the basis of paragraph-3 of the bail petition that the petitioner is on bail in the pending matters.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two



sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Jogbani (Bathnaha) P.S. Case No. 270 of 2023, subject to the following conditions :-

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

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below 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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