

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54331 of 2024

Arising Out of PS. Case No.-271 Year-2011 Thana- MADHAURAH District- Saran

Abbas Ahmad, S/o Shahban Ahmad, R/O Village-Daraila, PS-Guthni, Distt-Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar, Adv.

For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 25-09-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail, who is in custody in connection with Madhaurah P.S. Case No. 271 of 2011 registered for the offences punishable under Sections 467, 468, 471, 420 and 379 of the Indian Penal Code.

3. Based upon the written report, the prosecution alleges that the son of the informant was residing in Saudi Arabia and on 15.07.2011 he sent Rs. 32,761/- through Western Union Money Transfer. However, when he went to the Post Office on 16.07.2011, he was informed that the money cannot be withdrawn because the computer is not working and subsequently he came to know that one Abbas has withdrawn the said money.

4. Learned counsel for the petitioner contended that



this is the case of wrong identification and, in fact, the FIR has been instituted in the year 2011 and, for the first time, in the year 2018, suspicion has been raised against the petitioner and later on he was apprehended in connection with this case on 30.03.2024. It is further contended that it has not come in the investigation that the petitioner is anyway connected with the crime in question but only because of resemblance of the name of the petitioner with accused person, his name has implicated in this case. Moreover, the investigation of the crime is complete and the charge-sheet has been submitted. The petitioner bears fair antecedent.

5. On the other hand, learned counsel for the State opposed the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that, for the first time, the name of the petitioner has surfaced after seven years of the institution of the FIR and the entire case is based on suspicion and circumstantial evidence, coupled with the fair antecedent, let the petitioner, named above, 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 learned Chief Judicial Magistrate, Saran at Chapra in connection with



Madhaurah P.S. Case No. 271 of 2011, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

rohit/-

U		T	
---	--	---	--

