

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60040 of 2024

Arising Out of PS. Case No.-431 Year-2023 Thana- KOTWALI District- Patna

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Waquar Ahmad S/O Iftakhar Ahmad R/O Athkhambha, P.S- Barhria, Distt.-
Siwan. Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate
For the Opposite Party/s : Mr. Anant Kumar I, APP
For the informant : Mr. Arvind Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 26-11-2024 Heard Mr. Krishna Prasad Singh, learned Senior
Counsel for the petitioner as also Mr. Arvind Kumar
representing the informant besides the learned APP for the State.

2. The petitioner is in judicial custody in connection
with Kotwali P.S. Case No. 431 of 2023 for the offence
punishable under Sections 406, 417, 418, 420/34 of the Indian
Penal Code lodged on 04.06.2023 by the informant, Uma
Shankar Prasad.

3. As per the prosecution story, the informant alleged
that in the garb of a land, Rs. 27,98,000/- was taken by the
petitioner which has been detailed out in the FIR but the land
was never came in possession of the informant nor the money
returned and fed up with the attitude, the FIR.

4. At the outset, learned Senior Counsel submits that
the petitioner acted bonafidely but the execution could not take
place and now the FIR is there for which he will have to face



trial. Further, he intends to return the entire amount of Rs. 27,98,000/- to the informant but he being in jail cannot make payment in one go and as such be given some time so that payment is made in the following manner:

- (i) Rs. 7,98,000/- at the time of execution of bail bond;*
- (ii) Rs. 2,00,000/- by 10th of January, 2025;*
- (iii) Rs. 2,00,000/- by 10th of February, 2025;*
- (iv) Rs. 2,00,000/- by 10th of March, 2025;*
- (v) Rs. 2,00,000/- by 10th April, 2025;*
- (vi) Rs. 2,00,000/- by 10th of May, 2025;*
- (vii) Rs. 2,00,000/- by 10th of June, 2025;*
- (viii) Rs. 2,00,000/- by 10th of July, 2025;*
- (ix) Rs. 2,00,000/- by 10th of August, 2025;*



*(x) Rs. 2,00,000/- by 10th of
September, 2025;*

*(xi) Rs. 2,00,000/- by 10th of
October, 2025.*

5. It is his further submission that failure to abide by any of the installment, the informant shall be free to take immediate steps for cancellation of his bail bond.

6. Learned counsel for the informant submits that he was given false promise and coughed up Rs.27,98,000/-. However, now the petitioner intends to make the payment, he has no objection to the extension of the relief.

7. Taking into account aforesaid facts and appreciating the stand of both the learned Senior Counsel for the petitioner and the learned counsel for the informant and as the petitioner is in custody since 01.05.2024, this Court is inclined to extend him the privilege of bail which will be subject to the condition that the petitioner himself has undertaken.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Patna in connection with Kotwali P.S. Case No. 431 of 2023 subject to the following conditions:



(i) one of the bailor should be the family member 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 next six months 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.

(Rajiv Roy, J)

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