

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82326 of 2023

Arising Out of PS. Case No.-196 Year-2023 Thana- MADHEPURA District- Madhepura

1. Bibi Samila Khatoon @ Samila Khatoon W/O Md. Bakil Ahmad @ Bakil Resident of Village- Jhitkiya Tola, Mahwa, Ward No. 04, P.S. and Dist. Madhepura
2. Md. Sahil S/O Md. Bakil Ahmad @ Bakil @ Md. Bakil Resident of Village- Jhitkiya Tola, Mahwa, Ward No. 04, P.S. and Dist. Madhepura
3. Rajdeep Kumar @ Rajdeep Yadav S/O Bharat Yadav Resident of Village- Belokhadi, Ward No.13, P.S. - Ghailargh, Dist. Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 10-01-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Madhepura (Gailargh) P.S. Case No. 196 of 2023, registered on 22.02.2023 for the offences under Sections 341, 323, 406, 420, 379, 504, 506/34 of the Indian Penal Code.

3. As per prosecution case, the petitioners and other co-accused persons took Rs.2,70,000/- from the informant in order to procure a job of a teacher for him. But as the informant did not get the job, he demanded his money back which was given to the petitioners. But the petitioners refused and a



panchayati was held. A panchnama was also prepared for return of the money showing it as loan. However, when the petitioners did not return the money, the informant went to the house of co-accused Md. Bakil where he was threatened by the petitioners and co-accused, who assaulted the informant and took away three thousand rupees from his pocket.

4. The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The petitioners had not taken any money from the informant and it appears that co-accused Md. Bakil has taken the money and the petitioners being wife, son and friend, respectively have been made accused in this case. There is no material to show the manner of payment. The husband of petitioner no. 1 never took any money on the ground that he would procure job of a teacher for the informant and the money was taken as loan for treatment of petitioner no. 1 by the husband of petitioner no. 1, who could not return the money to the informant due to his poor financial condition. However, the present case has been lodged as a counter blast since the daughter of petitioner no. 1 was married to the cousin of the informant and she has filed a case under Section 498A of the IPC against her husband and after receipt of the notice in that



case, the present case has been lodged by the informant. The petitioners are having clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioners.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the lack of substantive material against the petitioners to connect them with the offence as alleged and possibility of false implication, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura/concerned court in connection with Madhepura (Ghailargh) P.S. Case No. 196 of 2023, subject to the condition as 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 petitioners.

(ii) The petitioners 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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