

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3335 of 2025

Arising Out of PS. Case No.-370 Year-2024 Thana- KISHANGANJ District- Kishanganj

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Asgar @ Asghar Alam Son of Abdul Qaiyum Resident of Village - Deramari
Patkoi, P.S. - Kochadhaman, District - Kishanganj, permanent Resident of
Village - Murmala, P.S. - Bahadurganj, District - Kishanganj
... .. Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kumar, Adv.
Mr. Pratik Kumar, Adv.
For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-02-2025 Heard the learned Advocate for the petitioner and the

learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Kishanganj P.S. Case No. 370 of 2024,
registered for the offence punishable under Sections 319(2),
318(4), 323, 340(2), 3/5, 111(3), 111(4) and 308(5) of the
Bharatiya Nyaya Sanhita and Sections 66(D), 66(E) and 67 of
the I.T. Act.

3. Based upon the written report, it is alleged that the
informant, who is engaged in sending the people to *Macca-*
Madina for *Haz* and *Umrah* received a phone call, where the
caller has disclosed his name as *Shahnawaz* and said that his
parents are willing to go *Macca* for *Haz*. On the said
information, the informant reached at the place of occurrence
along with three persons on a motorcycle. When the informant
reached in the house, he was locked inside a room, where a girl



was sitting from before without any clothes. Until the informant could understand, all the boys entered in the room and started assaulting him. By showing the videographs on their mobile, the accused person extracted Rs. 1,50,000/- from the informant through mobile pay phone. Later on, the accused also realized Rs. 70,000/- from the informant. The accused persons also threatened and blackmailed the informant and also demanded more amount. The informant received a phone call from another mobile, the caller asked the informant to bring the rest of the money. On information given by the informant, the said person was apprehended, who disclosed his name as *Md. Farhan*. On interrogation, he further confessed the name of other accomplice as *Jeva, Najmin, Asgar* (petitioner) and *Naki Anwar*. The informant further stated that the accused persons returned Rs. 2,54,000/- and mobile of the informant, however, they did not return the rest Rs. 31,000/-.

4. Learned Advocate for the petitioner referring to the FIR contended that the FIR is in details, which clearly disclosed that the money, as was taken by the informant, has been returned to the informant by accused persons. It has also come that it is co-accused *Md. Farhan*, who disclosed the name of the petitioner and others. Moreover, there is a delay in lodging of



the FIR, as the alleged occurrence took place on 18.09.2024, whereas, the present FIR has been instituted on 21.09.2024. There is no assertion that the informant has identified the petitioner as one of the accomplice. Moreover, the petitioner himself surrender in the Court below on 29.10.2024 and since then, he has been incarcerated, having absolutely fair antecedent.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the *modus operandi* of the case is quite alarming in nature and the innocent person are being blackmailed by making videograph with girls.

6. Regard being had to the submissions made on behalf of the parties and considering the delay in lodging of the FIR, coupled with the fact that the petitioner himself surrender and now the investigation of the crime is complete and the charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kishanganj in connection with Kishanganj P.S. Case No. 370 of 2024, 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)

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