

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13500 of 2025

Arising Out of PS. Case No.-2465 Year-2023 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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1. Naiyar Ajam @ Md. Chand Khan @ Lalu Khan @ Naiyar Ajam @ Md. Naiyar Azam Son of Late Niyamuddin Khan @ Lalu Khan Resident of Village- Tina, Baniyapaati, PS- Town, Motihari, Distt.- East Champaran
 2. Aftab Ajam Khan @ Bholi Khan Son of Late Niyamuddin Khan @ Lalu Khan Resident of Village- Tina, Baniyapaati, PS- Town, Motihari, Distt.- East Champaran
 3. Faiz Ajam Khan @ Md. Faiz Azam Khan Son of Late Niyamuddin Khan @Lalu Khan Resident of Village- Tina, Baniyapaati, PS- Town, Motihari, Distt.- East Champaran
 4. Adil Khan @ Ladle Son of Late Niyamuddin Khan @ Lalu Khan Resident of Village- Tina, Baniyapaati, PS- Town, Motihari, Distt.- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Sallauddin aged about 57 years, S/o Md. Ayub, R/o Village- Magahishariff, P.S. Patahi, District- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar, Advocate
For the Opposite Party/s	:	Mr. Amitesh Kumar, APP
For the Complainant	:	Mr. Madhurendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 15-05-2025 Heard Mr. Sanjay Kumar, learned counsel for the petitioners, Mr. Madhurendra Kumar, learned counsel appearing on behalf of the complainant as well as Mr. Amitesh Kumar, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Complaint Case No. 2465 of 2023 for the offences punishable under Sections 420, 506 and 34 of the



Indian Penal Code.

3. According to prosecution case, these petitioners lured the complainant that they will provide job in education department in lieu of Rs. 5 lakh for each person and therefore the complainant had given Rs. 15 lakh to the petitioners for giving job to three persons but neither the petitioners have provided jobs to him nor returned the amount in question.

4. Learned counsel for the petitioners submits that petitioner nos. 1 and 2 carries one criminal antecedent and petitioner no. 3 carries two criminal antecedents other than the present one and petitioner no. 4 has clean antecedent and all the petitioners carrying criminal antecedents are on bail and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the complaint petition is false and fabricated and the petitioners have not committed any offences as alleged in the complaint petition. He further submits that all the cases which are against the petitioners were filed by the complainant and his close relatives. Although petitioners are named in the complaint petition, but the allegation against them is false and fabricated and they have not received any amount from the complainant and even the complainant has not produced any chit of paper which suggest that the petitioners



have received the amount in question from the complainant. Apart from the perusal of the complaint petition it appears that the occurrence took place in the year 2018 but the complaint petition has been filed in the year 2023 after delay of 5 years without giving any explanation of the delay.

5. The learned counsel appearing on behalf of the complainant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioners and submits that the petitioners have received the amount in question from the complainant.

6. Considering the aforesaid facts and circumstances that the complainant had not produced any chit of paper which suggest that the petitioners have received any amount from the complainant and apart from that complainant had filed number of cases against the petitioners, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Complaint Case No. 2465 of 2023, subject to the conditions as laid down under Section



438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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