

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17809 of 2025

Arising Out of PS. Case No.-476 Year-2023 Thana- COMPLAINT CASE - BENIPATTI
District- Madhubani

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1. Md. Zubair @ Zubair Ahmad S/O Md. Motiur Rahman Resident of Village- Makiya, Police Station- Benipatti, District- Madhubani.
 2. Nasima Praveen W/O Md. Zubair @ Zubair Ahmad Resident of Village- Makiya, Police Station- Benipatti, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Meraj S/O Md. Shoaib R/O Village- Makiya, P.S- Benipatti, Distt.- Madhubani.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashhar Mustafa, Advocate
For the Complainant	:	Mr. Gagandeo Yadav, Advocate
For the State	:	Mrs. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 24-07-2025 Heard Mr. Ashhar Mustafa, learned counsel for the petitioners, Mr. Gagandeo Yadav, learned counsel for the Complainant and Mrs. Indu Kumari Srivastava, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Complaint Case No. 476 of 2023 dated 11.12.2023 registered for the offences punishable under Sections 419, 420, 465, 468, 323, 504 read with Section 34 of the Indian Penal Code.

3. Allegation against the petitioners is that they have cheated and taken the money from the complainant on the



pretext of sale of land.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely 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 offence as alleged in the complaint petition. The petitioners have preferred an F.I.R. against the present complainant and others and has lodged Benipatti P.S. Case No. 120 of 2023 under Sections 452, 341, 323, 384, 354, 354(B), 504, 379, 506, 427/34 of the Indian Penal Code and thereafter the complainant has filed an F.I.R. being Benipatti P.S. Case No. 126 of 2023 under Sections 447, 341, 323, 354, 354(B), 427, 379, 384, 420, 504, 506/34 of the Indian Penal Code through sister-in-law and the Benipatti P.S. Case No. 126 of 2023 was registered against the present petitioners on a similar set of allegations as contained in the present complaint case. Learned counsel for the petitioners further submits that after the registration of Benipatti P.S. Case No. 126 of 2023 a settlement was arrived between the petitioners and the informant on the intervention of family and well wishers on 03.12.2023. As per the settlement, the informant was obliged to make payment to the petitioners.



Retracting from the said settlement, the complainant preferred the present complaint petition on 11.12.2023 after the aforesaid settlement on similar set of allegations as contained in Benipatti P.S. Case No. 126 of 2023 and apart from that the complainant has not stated anything in the present complaint petition that the settlement between the parties has been arrived after the intervention of family and well wishers and he has concealed the material fact.

5. Learned counsel for the complainant as well as learned APP for the State has opposed the prayer for anticipatory bail of the petitioners. Learned counsel for the Complainant has filed a counter affidavit stating therein that the petitioners have concealed his criminal antecedents and apart from that the petitioners have refused to obey the conditions of Panchayati which took place on 03.12.2023 and apart from that petitioner no. 1 carries five more cases and petitioner no. 2 carries four more cases other than the present one but fairly submits that the petitioners are on bail in the pending matters as stated in the supplementary affidavit.

6. Considering the facts and circumstances of the case, let the petitioners, above named, in the event of their 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned ACJM, Madhubai at Benipatti in connection with Complaint Case No. 476 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions :-

(1) 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 bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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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