

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26597 of 2025

Arising Out of PS. Case No.-144 Year-2021 Thana- ALAMGANJ District- Patna

=====

Danish Hussain @ Md. Danish Hussain S/o- Late Ajgar Ali @ Riyasat Hussain R/o- Jama Masjid Mirsika Toli Shershah Road Ps- Alamganj Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Saurav Anand, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-05-2025 Heard Mr. Saurav Anand, learned counsel for the petitioner and Mr. Akshay Lal Pandit, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Alamganj P.S. Case No. 144 of 2021, F.I.R. dated 04.03.2021 for the offences punishable under Sections 363 and 365 of the Indian Penal Code.

3. According to prosecution case, the informant and his wife due to financial crisis they took loan after mortgaging gold from Danish Hussain and on 27.02.2021 Danish Hussain called the informant's wife to a shop of gold smith with gold for this loan when the informant's wife went there with his seven year old son but she did not return.

4. Learned counsel for the petitioner submits that

petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. and apart that it appears from the F.I.R. the date of occurrence is 27.02.2021 but the present F.I.R. was instituted on 04.03.2021 without explaining the reason of the delay.

5. Learned counsel for the victim, suo motu, appears and submits that the allegation is alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. and apart from that the victim is ready to become a bailor in the present case.

6. Considering the aforesaid facts and circumstances, let the petitioner, 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) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-III, Patna City in connection with Alamganj P.S. Case No. 144 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of the B.N.S.S., 2023 and with other following conditions:-

i. Petitioner 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 his

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

ii. If the petitioner 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 petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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.

iv. One of the bailor should be victim, namely, Sazia Elahi wife of Tabis Anwar resident of village Alamganj, District Patna.

(Rajesh Kumar Verma, J)

Jyoti Kumari/-

U		T	
---	--	---	--