

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28352 of 2025

Arising Out of PS. Case No.-288 Year-2019 Thana- CHHATAPUR District- Supaul

Naushad Shah @ Nausad Sah @ Md. Noshad Sah @ Naushad S/o Md. Mustafa @ Fiecha @ Multan Resident of village - Kala Baluwa, P.s.- Raniganj, Distt.- Araria

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Advocate

For the Opposite Party/s : Mrs. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-06-2025 Heard Mr. Ramesh Kumar Singh, learned counsel
for the petitioner and Mrs. Pushpa Sinha, learned Additional
Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 24.12.2024 in connection with Chhatapur P.S. Case No. 288 of 2019, F.I.R. dated 12.11.2019 for the offences punishable under Sections 341, 323, 420, 386, 413, 504, 506 and 120B of the Indian Penal Code.

3. According to prosecution case, it is case of fraud where the petitioner along with other accused persons promised the informant to supply him gold biscuit only for Rs. 20,000/- but he didn't supply the same and also took Rs. 3,00,000/- from the informant.



4. Learned counsel for the petitioner submits that petitioner is innocent 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. He further submits that it appears from the F.I.R as well as seizure list that no incriminating article has been recovered from the conscious possession or the house of the petitioner and merely on the basis of suspicion, the petitioner has been implicated in the present false and fabricated case. He further submits that it has come during investigation that the petitioner was also involved in the present occurrence along with other accused persons but there is no acquisition attributed against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Krishna Kumar Singh has been granted bail by a co-ordinate Bench of this Court vide order dated 30.06.2020 passed in Cr. Misc. No. 13499 of 2020, co-accused, namely, Darbesh Nai has been granted bail by a co-ordinate Bench of this Court vide order dated 17.07.2020 passed in Cr. Misc. No. 20317 of 2020 and co-accused, namely, Jai Kishore Yadav has been granted bail by a co-ordinate Bench of



this Court vide order dated 24.09.2020 passed in Cr. Misc. No. 24317 of 2020. The petitioner is in custody since 24.12.2024.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries 5 criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in all the cases.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 Chief Judicial Magistrate, Supaul in connection with Chhatapur P.S. Case No. 288 of 2019, subject to the 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.

(Rajesh Kumar Verma, J)

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