

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32088 of 2025

Arising Out of PS. Case No.-853 Year-2024 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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Md. Majhrul Haque S/O Late Md. Nasim @ Late Md. Nashimul Haque @
Md. Nasim Haque Resident of Village- Hussaina, P.S.- Ballia, District-
Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Jahid Hussain S/O Md. Yahiya R/O Vill.- Taraiya, P.o.- Sankh, Ward no.
3, P.S.- Mufassil, District- Begusarai

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar, Advocate

Mr.Rahul Singh, Advocate

Mr. Roop Kishan, Advocate

For the Opposite Party/s : Mr.Vinod Shanker Modi, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 20-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner is apprehending
his arrest in connection with Complaint Case No.853C of 2024
registered for the alleged offences under Sections 406, 420, 504,
506 and 34 of the Indian Penal Code.

3. As per prosecution case, petitioner duped Rs.
1,00,000/- on pretext of arranging jobs for people. The
petitioner also took some articles from the complainant worth
Rs. 21,500/- and did not make the payment. The petitioner
further cheated the acquaintances of the complainant of Rs.



1,40,000/- and Rs. 20,000/- for arranging jobs for them. The complainant has further alleged that when he served the legal notice to the petitioner he is being threatened by the petitioner.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No time has been mentioned about the transaction of money and for that matter any transaction being indulging by the parties. The complainant is son-in-law of the petitioner and due to some family dispute, present false complaint has been lodged. In his legal notice, the complainant has not made any allegation with regard to his associates from whom the petitioner allegedly took money. The cognizance in this case was taken without hearing the accused against the provision of Section 223(1) of B.N.S.S. In the facts and circumstances, no offence under Sections 406, 420, 504 and 506/34 of IPC is made out against the petitioner. Petitioner is having clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the vague and doubtful nature of allegation against the petitioner



and also considering the clean antecedent of the petitioner coupled with possibility of false implication, let the petitioner named above, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Begusarai/ court concerned in connection with Complaint Case No. 853C of 2024, subject to the condition laid down under section 482(2) of the B.N.S.S. and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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