

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47373 of 2025

Arising Out of PS. Case No.-393 Year-2025 Thana- PHULWARISHARIF District- Patna

1. Md. Tanbir Alam @ Tanvur Alam @ Tanbir Alam S/O Md Quasimuddin R/O Mohalla- Gali, Rajapurpul Mainpura, P.O and P.S- Patliputra, Distt.- Patna.
2. Addil Imam S/O Late Md. Jasimuddin R/O Nausha, P.S- Phulwarisharif, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kishore Prasad, Advocate
For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 31-07-2025 Heard Mr. Raj Kishore Prasad, learned counsel for the petitioners and Mr. Nagendra Prasad, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Phulwarisharif P.S. Case No. 393 of 2025, F.I.R. dated 09.03.2025 for the offences punishable under Sections 406, 420, 34 of the Indian Penal Code.

3. According to prosecution case, the informant alleged that the petitioners took money from the informant in lieu of registration of sale deed of land but did not do the same.

4. Learned counsel for the petitioners submits that petitioners are innocent and they have 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 petitioners have not committed any offences as alleged in the F.I.R. Although petitioners and informant have signed a sale of agreement dated 07.05.2022 and petitioner accepted that he has received Rs. 2,50,000/- (Rupees Two Lakh Fifty Thousand) from the informant for the execution of land in question which was mentioned in the agreement for sale dated 07.05.2022.

5. Learned counsel for the petitioner on instructions submits that the petitioner is ready to return Rs. 2,50,000/- (Rupees Two Lakh Fifty Thousand) to the informant and he has stated that he has not received the amount as mentioned in the counter affidavit by the informant and rest amount has been received by the other co-accused persons.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners on the ground that petitioners carries four criminal antecedents other than the present one but fairly submits that petitioners are on bail in the pending matters.

7. Considering the aforesaid facts and circumstances, 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 A.C.J.M.IV, Patna in connection with Phulwarisharif P.S. Case No. 393 of 2025, 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. At the time of furnishing bail bond, the petitioners shall produce a demand draft of Rs. 2,50,000/- (Rupees Two Lakh Fifty Thousand) in favour of the informant and learned court below is directed to handover the said demand draft to the informant or his representative and rest amount shall be paid to the informant after the outcome of Phulwarisharif P.S. Case No. 393 of 2025.

ii. 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.

iii. 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.

iv. 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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