

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49351 of 2025

Arising Out of PS. Case No.-2465 Year-2023 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Abdul Kaish @ Abul Kaish S/O Makbool Ahmad Resident of Azad Bagh,
Near Goldi Press, P.S.- Chhatauni, District- East Champaran (Wrongly
Written as Mohalla- Azam Nagar Mathia, P.S- Motihari Town, Distt.- East
Champaran in the petition of complainant).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Salahuddin S/O Md. Ayub R/O Village- Magahi Sharif, P.S- Patahi,
Dist.- East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md Ansiur Rahman, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-08-2025 Heard Mr.Md Ansiur Rahman, learned counsel for

the petitioner and Mr.Sanjay Kumar Singh, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No.2465 of 2023, registered
for the offences punishable under Sections 406,420,467,468 and
384 of IPC.

3. According to prosecution case, the petitioner
alongwith other co-accused persons lured the complainant that
they will provide job in education department in lieu of Rs. 5
lakh for each person and therefore the complainant had given



Rs. 15 lakh to the petitioner and other co-accused persons for giving job to three persons but neither the petitioner alongwith other co-accused persons have provided jobs to him nor returned the amount in question.

4. Learned counsel appearing for the petitioner submits that the allegation as alleged in the complaint petition is false and fabricated and the petitioner has not committed any offence as alleged in the complaint petition. Although there is specific allegation against the petitioner and other co-accused persons that he alongwith other co-accused persons have received Rs.15,00000/- (Fifteen lacs) from the complainant in the year 2018 but the present complaint petition has been filed in the year 2023 after delay of 05 years, apart from that, the complainant has not produced any cheat of paper which suggests that the petitioner and other co-accused persons have received any amount from the complainant and co-accused person, namely, Naiyar Ajam @ Md. Chand Khan @ Lalu Khan @ Naiyar Ajam @ Md. Naiyar Azam and others have been granted privilege of anticipatory bail by this Court vide order dated 15.05.2025 passed in Cr. Misc. No.13500 of 2025.

5. Learned counsel for the complainant and learned A.P.P. for the State have vehemently opposed the prayer for



anticipatory bail of the petitioner and submits that the petitioner is named in the complaint petition and he alongwith other co-accused persons have grabbed the amount of the complainant apart from that, the petitioner carries one more case other than the present one but fairly submits that the petitioner has been acquitted in the said case by the learned court below itself, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid facts, let the petitioner, above named, in the event of his 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 learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Complaint Case No.2465 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/Section 482 (2) of the BNSS, 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/her absence on two consecutive dates without sufficient



reason, his/her 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/her 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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