

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85852 of 2024

Arising Out of PS. Case No.-161 Year-2024 Thana- ASHTHAWAN District- Nalanda

Md. Munna @ Munna Khan @ Md. Kaifi Alam @ Kaifi Alam S/o- Late
Abdul Hannan Village- Mahalpar P.S-Biharsarif District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Advocate
	:	Mr. Saroj Kumar Chaudhary, Advocate'
	:	Mr. Kumar Rajdeep, Advocate
	:	Ms. Diksha Kumari, Advocate
	:	Mr. Pramod Kumar, Advocate
For the State	:	Mrs. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-02-2025 Heard Mr. N.K. Agrawal, learned Senior Counsel

for the petitioner and Mrs. Nirmala Kumari, learned APP for the

State.

2. The petitioner is in judicial custody in connection
with Asthawan P.S. Case No. 161 of 2024 for the offences
punishable under Sections 406, 420, 467, 468, 471 and 34 of the
Indian Penal Code, lodged on 27.07.2024 by the informant,
Santosh Kumar.

3. As per the prosecution story, the informant alleged
that he was searching for commercial use of a land when
Jitendra Kumar came to his shop and informed that Anuj Kumar
has got the said land, this led to the agreement as also payment



of altogether Rs. 45,00,000/- to Anuj Kumar but though the documents signed, the land never belonged to Anuj Kumar, which led to the present case as the informant felt cheated and there is/was reason to believe that with cheating in his mind, Anuj Kumar moved further in the matter.

4. Learned Senior Counsel for the petitioner submits that a perusal of the F.I.R. would show that the payments were made to the Anuj Kumar, bonafidely he appeared as a witness for which he has already suffered by being in custody since 27.08.2024 (paragraph no.4 of the petition). Further, similar situate co-accused Lambu Khan @ Tinku Khan @ Md. Istiyaque Khan who also was one of the witness has been granted bail in Cr. Misc. No. 79451 of 2024.

5. Learned APP for the State opposes the prayer submitting that though payments have been made to Anuj Kumar, he along with Lambu Khan @ Tinku Khan @ Md. Istiyaque Khan appeared as witness.

6. Facts are on record, the parties have made their respective submissions, admittedly, the entire payments have been made to Anuj Kumar who after showing a piece of land which never belonged to him, executed a deed and in the process, became richer by Rs. 45,00,000/-. So far as this



petitioner is concerned, he admittedly, was a signatory as a witness and as such, cannot exonerate himself from the alleged act of being a part of the said conspiracy. However, FIR has been lodged, he has remained in custody since 27.08.2024, has no criminal antecedent, shall be diligently appearing in trial as undertaken by learned Senior counsel, one of the co-accused Lambu Khan @ Tinku Khan @ Md. Istiyaque Khan has been extended relief as stated above, in that background, this Court is inclined to extend him the privilege of bail.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda in connection with Asthawan P.S. Case No. 161 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned



police station/local police station whichever is nearer every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of bail bonds.

(Rajiv Roy, J)

vinayak/-

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

