

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6325 of 2015

Arising Out of PS.Case No. -44 Year- 2014 Thana -PALANWA District-
EASTCHAMPARAN(MOTIHARI)

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1. Ash Mohammad Ansari son of Harif Ansari, resident of village-
Purandara (Darbari Tola), Police Station- Palanawa, District- Motihari, East
Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sushil Kumar Singh

For the Opposite Party/s : Mr. Awadhesh Kr.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

4 06-07-2015 Heard the Counsel for the petitioner and the APP for the

State.

Petitioner is accused of Palanawa P.S. Case No. 44 of 2014
registered under sections 420 and other allied sections of the
Indian Penal Code and seeks anticipatory bail.

Several persons who have been cheated by the accused cited
in the F.I.R. lodged the F.I.R. alleging that one Mr. Faizul Rahman
and the petitioner inured them to get Passport, VISA and job in
foreign country whereafter they paid the amount to the accused
persons in parts but after having receiving the amount, the accused
persons did not provide either the passport or any job. When the
amount was demanded, they refused to pay back the money. In
this way, a sum of Rs. 8,95,000/- was cheated by the accused

persons.

Contention of the petitioner is that it is Faizul Rahman who is said to have inured the cheated persons and received the money which was deposited in the account of the petitioner who is full brother of Faizul Rahman.

Learned APP, on the other hand, states that some of the persons who were cheated by the accused persons said that part of money was paid to the son of the petitioner who handed it over to the petitioner.

Considering the allegations and the materials which are reflected from the case diary as also from the impugned order, in my view, the participation of the petitioner in the crime cannot be doubted at this stage. The petitioner, in that view of the matter does not deserve the privilege of anticipatory bail. Prayer is rejected.

However, if the petitioner surrenders and prays for bail, the learned Court below shall consider and pass appropriate order on its own merit uninfluenced in any manner by the observations made hereinabove for rejecting the prayer for anticipatory bail.

(Kishore Kumar Mandal, J)

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