

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.18188 of 2016

Arising Out of PS.Case No. -230 Year- 2012 Thana -HAJIPUR District- VAISHALI(HAJIPUR)

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1. MD. JALAL KHAN @ MD. JALALUDDIN KHAN @ JALAL KHAN
@ JALALUDDIN KHAN Son of Ijaj Khan Resident of Mohalla- Piru, P.s
Hashpura, District Auranagabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bela Singh

For the Opposite Party/s : Mr. Amitesh Kumar(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 20-06-2016 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with a
case registered for the offences punishable under Sections
147/406/420/120B of the Indian Penal Code and Section 138 of
the N.I. Act.

Learned counsel for the petitioner submits that save and
except the fact that the petitioner has been named in the First
Information Report as one of the directors of the chit-fund in
which the son of the petitioner was the Manager, there is no
allegation against petitioner of having accepted any money. The
entire allegation revolves around the acceptance of money by the
petitioner's son Md. Sabir Ali Khan who is said to have taken
deposits from the co-villagers and soon thereafter decamped with
the entire amount. It is submitted that the petitioner was a

Government servant and was functioning as a Police *Subedar* and, therefore, he could not have participated in any chit-fund as even a director. Thus, the entire allegation against him is farfetched and unfounded.

Learned counsel appearing on behalf of the State after perusal of the case diary submits that it has come on record that the name of the Company was Jalal Chit Fund that is the name of the petitioner. However, on perusal of the case diary, it appears that save and except the statements made by the investors, there is no further material in the case diary to show that the petitioner was in fact one of the directors, so as to draw prosecution against him.

In view of the aforementioned facts and circumstances, let the petitioner, in the event of his arrest / surrender within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Vaishali Nagar P.S. Case No. 230/2012, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Anjana Mishra, J)

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