

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.46047 of 2016

Arising Out of PS.Case No. -1302 Year- 2014 Thana -SIWAN COMPLAINT CASE District-SIWAN

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Shah Alam Ansari @ Sah Alam Ansari, son of Sri Rayish Ansari, resident of village Kohrauta, P.S. Pachrukhi, district Siwan Petitioner

Versus

1. The State of Bihar
 2. Sharif Ansari, son of late Gafoor Ansari, resident of village Kohrauta, P.S. Pachrukhi district Siwan Opposite Parties
- =====

Appearance :

For the Petitioner : Mr. Ramadhar Shekhar, Adv.

For the Opposite Parties : Smt. Pushpa Sinha, APP 121

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 22-10-2016

Heard the parties.

The petitioner is apprehending his arrest in a protest on complaint case for offence under Sections 420, 468, 406 and 34 of the Indian Penal Code.

The prosecution case is that the accused persons, including the petitioner, realized Rs.1,25,000/- from the complainant for providing employment abroad, but, neither the money was returned nor the job was provided.

It is submitted by the learned counsel for the petitioner that initially Complaint Case No. 1736 of 2013 was filed which was transferred to Police Station under Section 156(3) of the Criminal Procedure Code consequently Pachrukhi P.S. Case No. 356 of 2013 was registered under Sections 341, 323, 420, 467, 468, 406 and 34 of the Indian Penal Code wherein the police, after investigation, submitted final form finding accusation false, but differing with the final form cognizance has been taken. The statement has been made in paragraph 3 that the petitioner has no criminal antecedent. More over, the complainant is the own uncle of the petitioner.

Considering the fact that the petitioner has not been sent up for trial and having no criminal antecedent, the petitioner, above named, in the event of his arrest or surrender, within four weeks from the date of receipt of this order, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Complaint Case No. 1302 of 2014 arising out of Pachrukhi P.S. Case No. 356 of 2013 to the satisfaction of the Subdivisional Judicial Magistrate, Siwan, subject to the condition laid down under Section 438(2) of the Criminal Procedure Code.

(Dinesh Kumar Singh, J)

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