

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37725 of 2016

Arising Out of PS.Case No. -304 Year- 2016 Thana -KATIHAR District- KATIHAR

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1. Jinat Ara, daughter of Jalaluddin @ Jaliluddin wife of Md. Shakir Hussain, resident of Jagdishpur, Police Station Barari, District Katihar, presently residing at Village Nawabganj, Police Station Manihari, District-Katihar.

2. Md. Danish, son of Md. Doman, resident of Village- Nawabganj, Police Station Manihari, District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chitranjan Sinha, Sr. Advocate
Mr. Khatim Reza

For the Opposite Party/s : Mr. Sri Ataur Rahman

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 06-10-2016 Heard Mr. Sinha for the petitioners and the Counsel for the informant.

Initially, a complaint was lodged under Sections 420, 406, 467, 468, 471 and 120(b) of the Indian Penal Code which was later treated as an F.I.R. vide Katihar Nagar (Sahayak) P.S. Case No. 304 of 2016.

On going through the contents of the complaint (now F.I.R.), it appears the allegation is primarily against accused Naeem Ansari and Jammi Shahid who are said to have created an organization and after entering into agreement accepted money from the subscribers and thereafter misappropriated those amount. In this way, it is alleged that these two accused persons committed

fraud and thereby cheated huge amount of public money including that of the complainant/informant. In so far as present two petitioners are concerned, the allegation is that the main accused persons had employed some other persons in the office including the petitioners who were under the instructions of those two accused persons issuing certain documents/papers.

Contention of the petitioners is that on going through the complaint, it would appear that it was the two main accused persons who had entered into agreement and accepted the money from the depositors/subscribers. In this connection, the petitioners have placed reliance on the statement made in paragraph no. 7 of the complaint. Petitioner No. 1 is said to be a lady carrying pregnancy.

Looking to the nature of the allegation, the materials reflected from the record and after hearing the parties, I am persuaded to extend privilege of anticipatory bail to the petitioners.

In the event of arrest or surrender in the Court below within four weeks, the petitioners abovenamed are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate,

Katihar in Katihar Nagar (Sahayak) P.S. Case No. 304 of 2016
subject to the condition as laid down under Section 438(2) of the
Cr.P.C. with the further following conditions:

(i) One of the bailers shall be the own/close family members
of the petitioners.

(ii) No sooner the charges are framed, the petitioners shall
appear in person on each and every date fixed in the Court below.
In case of default in doing so on two consecutive occasions
without any cogent/satisfactory reason, the Trial Court shall have
liberty to cancel the bail bond of the petitioners and secure their
arrest in accordance with law.

Pankaj/-

(Kishore Kumar Mandal, J)

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