

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23933 of 2016

Arising Out of PS.Case No. -26 Year- 2016 Thana -PIRBAHOR District- PATNA

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1. MD. ASFAQUE AHMAD ANSARI @ ASFAQ AHMED ANSARI ,
S/o- Md. Seraj Ahmed, R/o Village- Kolhuban, P.S.- Dumaria, District-
Gaya.
 2. Md. Anwar Hussain @ Anwar Hussain, S/o- Ashraf Hussain, R/o- 3
Fenwick Bazar Street, Municipal Corporation, P.S. New Market,
Kolkata.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate
For the Opposite Party/s : Mr. Choubey Jawahar(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 05-08-2016

Heard learned counsel for the petitioners and the State.

The petitioners seek bail in a case instituted under
Sections 467, 468, 471, 420 and 34 of the Indian Penal Code.

Allegation against the petitioners is that they brought two
ladies from Kolkata and as per agreement, one of the ladies would
donate her kidney in lieu of money for which approval is needed
from the Chairman of Ethical Committee cum Director, Health
Department. In this regard petitioners prepared some forged
documents and as such, they have been made accused in the
present case.

It has been submitted on behalf of the petitioners that
they are in custody since 27.1.2016. Chargesheet has been
submitted against the petitioners. Petitioners have got no criminal
antecedent. No allegation of tampering of evidence is alleged
against them. They have been made accused due to mistake of

fact. No wrongful gain or no wrongful loss has been caused by the petitioners nor any fraud has been committed. From perusal of the F.I.R. itself it appears that the lady in question was donating kidney with her own consent. Hence, she has not been made accused in the present case.

On behalf of the State, it is submitted that petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the above named petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Patna, in connection with Pirbahore P.S. Case no. 26 of 2016.

(Sudhir Singh, J)

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