

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53318 of 2017

Arising Out of PS.Case No. -8063 Year- 2015 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

=====

1. As Mahammad @ Ash Mohammad son of Hakim Mian
2. Raj Mahammad @ Raj Mohammad son of Hakim Mian
Both residents of Village - Kalyanpur, P.S. - Bhore, District - Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Amar Ali son of Late Brijhan Mian Resident of Village - Kalyanpur, P.S.
- Bhore, District - Gopalganj.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey No-5
For the Opposite Party/s : Mr. Sri Dilip Kumar

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 10-11-2017 Heard the learned counsel for the petitioners and the

learned A.P.P. for the State.

The petitioners apprehend arrest in connection with

Complaint Case No. 8063 of 2015 (Trial No. 2433 of 2017)

instituted for the offences punishable under Sections 420 and

406/34 of the Indian Penal Code.

The allegation as per complaint petition is that these

two petitioners took an amount of Rs. 70,000/- and a passport for

getting the complainant employed and the petitioners neither got

him employed nor returned the money and on demand, they

assaulted the complainant.



The learned counsel for the petitioners submits that the petitioners and the informant are agnates and residing at the same place. Both the parties are at litigating term since last one decade. Prior to this case, the complainant in order to harass the petitioners has lodged several complaint cases and police case. The petitioners had lodged police case bearing Bhore P.S. Case No. 174 of 2015 for the offence under Sections 324, 379 and other sections of the Indian Penal Code for the occurrence dated 28.09.2015. The said case was registered on 02.10.2015 and after getting knowledge about lodging of the said case, the complainant has filed the present case on 06.11.2015 with false and frivolous allegation. The allegation is omnibus and baseless and so, they deserve anticipatory bail.

The learned A.P.P. for the State, on the other hand, opposed the submission.

Considering the nature of allegation, facts and circumstances of the case, the anticipatory bail prayer is allowed. The petitioners, above named, in the event of arrest / surrender within six weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Gopalganj in connection with Complaint



Case No. 8063 of 2015 (Trial No. 2433 of 2017), subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sanjay Kumar, J)

ajay gupta/-

U		T	
---	--	---	--

