

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39565 of 2016

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

- =====
1. Md. Shabbir Ali Khan @ Sabir Ali Khan
 2. Ali Khan
 3. Laddan Khan all are sons of Md. Jalauddin Khan resident of mohalla - Piru, P.S. - Hashpura, District - Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mrs. Bela Singh
For the State : Gulmar Begum (APP)

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

5 15-02-2017 Heard learned counsel for the petitioners and learned
counsel appearing on behalf of the State.

Petitioners apprehend their arrest in connection with Hajipur P.S. case No. 230 of 2012 for the offences registered under Sections-147/406/420/120B of the Indian Penal Code and 138 of the N.I. Act.

Learned counsel for petitioners submits that the allegation against these petitioners is that the Accountant and marketing representatives of the company known as Jalal Street Finance Services in which, the complainant/informant along with others had deposited money in the hope that in a short period, huge return will be given. It is further submitted that



after one year of deposit of money, the accused persons including the petitioners swallowed the entire money and did not return it to them. It is further submitted that one Md. Saabir Ali Khan who is said to be one of the brothers of the present petitioners, issued cheques which were returned for want of fund and thus, they invoked the provision of 138 of N.I. Act and also, they had occasion to file the present complainant. Learned counsel for the petitioners submits that these petitioners have nothing to do either with the issuance of cheque and no body was induced by the petitioner in depositing the money in favour of the company. It is further submitted that the only allegation levelled is against one Md. Shabir Ali Khan and not against these petitioners. The further submission advanced by learned counsel for the petitioners is that Md. Jalal Khan @ Md. Jalaluddin Khan @ Jalal Khan @ Jalaluddin Khan has been extended the privilege of anticipatory bail in Cr. Misc. No. 18188 of 2016 vide order dated 20-06-2016 and as such, petitioners being similarly placed, are entitled to get the benefit of anticipatory bail.

In the present case diary was called for which has since been received.

Learned counsel for the State after perusal of the case



diary submits that save and except the allegation made by the depositors that petitioners are brothers of main accused, Md. Saabir Khan who is responsible for issuance of cheque, there is nothing to show the role of petitioners in the present case.

In view of the aforementioned facts and circumstances and also the fact that the case of petitioners stands similar with co-accused Jalaluddin Khan who has already been extended the privilege of anticipatory bail and that, they do not have any criminal antecedent, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, 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 Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Hajipur Town P.S. case No. 230 of 2012, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

A.K.V./-

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

