

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30585 of 2016

Arising Out of Complaint Case No. -1336 Year- 2009 Thana -DARBHANGA COMPLAINT CASE
District- DARBHANGA

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1. Md. Shahnawaz Alam @ Shahnawaz Alam
2. Sarfaraz Alam
3. Md. Abdullah @ Md. Abdul Ayaz
All sons of Md. Mustaquim @ Mustaqueem Alam
4. Md. Mustaquim Alam @ Mustaqueem Alam @ Mustaquum Alam, son
of Late Abdul Majid
All resident of at present Mohalla Sher Mohammad Bhigo, in a rented
house of Dr. Md. Bashir, P.S. - Laheria Sarai, District- Darbhanga,
Permanent resident of Village Jaigown, District- Jalpaiguri, West and
Village Chandabara, P.S.- Dhaka, Distric- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar, Advocate.

For the Opposite Party/s : Mr. Anil Kumar Singh 1, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

6 02-02-2017 Heard learned counsel for the petitioners and the

State.

The petitioners seek anticipatory bail in a case
instituted for the offence under Sections 406, 420 and 120B of the
Indian Penal Code.

It is alleged that the petitioners made demand of
Rs.2,00,000/- for providing visa to the son of the complainant to
go to Middle East country and on such assurance, the complainant
on various dates, transferred an amount of Rs.1,90,000/- in the



account of petitioner No. 1, but Visa was not provided and on demand, the money was also not returned. This fact has also not been denied by the wife of petitioner No. 1. It is stated that the petitioner No. 1 was running his business and there was a business transaction in between the petitioner No.1 and the complainant but there is no any documentary proof. Annexure-4 series enclosed with the supplementary affidavit does not clarify whether the amount was due with the complainant.

In such circumstances, this Court is not inclined to grant anticipatory bail to the petitioner No. 1 namely, Md. Shahnawaz Alam @ Shahnawaz Alam.

The prayer for anticipatory bail of petitioner No. 1 stands rejected.

The petitioner No. 1 is directed to surrender before the court below and pray for regular bail which shall be considered by the court below on the same day on its own merits without being prejudiced by the order of this Court.

So far as the petitioners No. 2, 3 and 4 namely, Sarfaraz Alam, Md. Abdullah @ Md. Abdul Ayaz and Md. Mustaquim Alam @ Mustaqueem Alam @ Mustaquum Alam are concerned, since there is no specific allegations against them, let the petitioners above named in the event of surrender within six



weeks from the date of receipt of this order, in connection with Trial No. 219 of 2016 arising out of Complaint Case No. C.R. 1336 of 2009, shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Darbhanga, subject to the conditions as laid down under Section 438 (2) Cr. P.C.

S.Ali/-

(Sanjay Priya, J)

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