

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4643 of 2018

Arising Out of PS.Case No. -2686 Year- 2015 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

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1. AINUL ABDIN @ AINUL ABEDIN @ EINUL ABEDIN, S/o Md. Sipahi,
2. Rahman Aabdin @ Rahman Abedin, Father's name not known, Both R/o Village- Puraini, P.S.- Jagdishpur, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Md. Israil Hussain S/o Late Nawab Ali, R/o Village- Momin Tola, Meena Bazar, South Puraini, P.S.- Jagdishpur, District- Bhagalpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda

For the Opposite Party/s : Mr. Sri Bhanu Pratap Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 09-04-2018 The petitioners are apprehending their arrest in connection with Complaint Case No. 2686 of 2015, registered for offences punishable under Sections 406 and 420 of the Indian Penal Code.

Petitioner no. 1, is the advertiser of the company and petitioner no. 2 is the cashier of the company and there is allegation against the petitioners that on the false assurance of giving good returns got the money deposited from the complainant and several others persons and have not returned the money and thus has cheated the complainant and others.

It has been submitted on behalf of the petitioners that



petitioner no. 1 is an old person aged about 70 years and false and concocted allegation has been levelled that he was the advertiser of the said company and both the petitioners have been made accused in this case only because they are the father and brother of co-accused Md. Sahaharyar Abdin, who is alleged to be the managing director of the company.

Heard learned A.P.P. also as well as learned counsel for the complainant. They have opposed the prayer for bail and submitted that the petitioners have committed fraud by collecting huge amount of money.

Having heard both sides, so far petitioner no. 1, is concerned, considering the facts and circumstances as well as his age, let the petitioner no. 1, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 25,000 (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Sub Judge –X- cum ACJM - IX, Bhagalpur, in connection with Complaint Case No. 2686 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C, as well as subject to the following conditions, it is further subject to the condition that:-



- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner shall cooperate in the investigation and make himself available as and when required by the police and on the event of failure on his part to appear before the police on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail bonds.

So far petitioner no. 2 is concerned, I am not inclined grant the privilege of anticipatory bail to petitioner no. 2.

This application is, accordingly, disposed of.

(Vinod Kumar Sinha, J)

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