

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50182 of 2018

Arising Out of PS. Case No.-1714 Year-2016 Thana- COMPLAINT CASE District- Araria

1. Md. Zakir, Son of Late Sobhi Miyan,
2. Md. Niyaz, Son of Md. Zakir,
3. Md. Azaz, Son of Md. Zakir, All are resident of Village- Bangama, Madarsa Tola, P.S.- Araria, District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Md. Israil, Son of Md. Karim, Resident of Village- Nandanpur Mirzapur 37, P.S.- Bousi, District- Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrigendra Kumar, Advocate.
For the Opposite Party/s : Mr. Sri Braj Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 20-09-2018 Heard learned counsel for the petitioners, learned counsel for the informant and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Complaint Case No. 1714(C) of 2016 registered under Sections 406 and 420/34 of the Indian Penal Code.

The accusation is that petitioner no. 2, Md. Niyaz, who used to do the job at Dubai, came at his village and asked to provide Viza for work at Dobai to complainant, Md. Israil, Md. Sahid and Sajjad and asked to talk his father and brother (petitioner nos. 1 and 3). Thereafter, complainant contacted to petitioner nos. 1 and 3, namely, Md. Zakir and Md. Azaz. Thereafter, complainant, Israil, Md. Sahid and Sajjad each paid



Rs.95,000/- to petitioner no. 1 and also paid Rs.10,000/- each persons for medical test to petitioner no. 2. Accordingly, they went to Mumbai for taking Visa and stayed at Hotel but after 15 days Visa was not provided, then they returned to the village. After sometime, when they demanded money then petitioner nos. 1 and 3 refused to return the money.

Learned counsel for the petitioners submits that, in fact, one Md. Nisar Ahmad, who is the member of the company of the complainant-O.P.No.2, had taken Rs.4,04,000/- for sending three persons at Dubai and the same amount was deposited in the account of Nishar Ahmad, but no Visa was provided to three persons. Thereafter, petitioner no. 1 filed Complaint Case No. 1876(C) of 2016 in the court of Chief Judicial Magistrate, Araria, but only to give undue pressure the complainant-O.P.No.2 has filed the present case with false allegation of taking money in cash without supporting any paper.

Having regard to the facts and circumstances of the case, let the above named petitioners be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like



amount each to the satisfaction of the Chief Judicial Magistrate,
Araria, in connection with Complaint Case No. 1714(C) of
2016, subject to the condition as laid down under Section 438(2)
of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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