

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41818 of 2018

Arising Out of PS.Case No. -107 Year- 2016 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN (MOTIHARI)

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1. Syed Md. Ali Imran Shamim Hashmi @ Imran Hashmi ,
2. Syed Rehan Ali Hashmi @ Rehan Hashmi, Both sons of Late Shamim Hashmi, Permanent Resident of Mohalla Amalapatti, Motihari, P.S. Town Motihari, Dist.- East Champaran, Presently residing at B- 6, Bhaskar Compound, Abdul Fazal Enclave, Jamia Nagar, Okhala, New Delhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Md. Murad, S/o Late Md. Nasruddin, R/o Chatauni, P.S.- Chatauni, Dist.- East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Avanish Kumar Singh
For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 17-09-2018 The petitioners are apprehending their arrest in connection with Complaint Case No. 107 of 2016, registered for offences punishable under Section 420 of the Indian Penal Code.

Allegation against the petitioners is that the complainant has invested Rs. 8,80,000/- in the petitioners' company and thereafter Rs. 2,20,000/- was returned in the account of the complainant, but rest of the amount has not been returned by the petitioners, which they had taken in the year 2008-09.

Submission of learned counsel for the petitioners is that they have returned the amount of Rs. 2,20,000/- which has been admitted by the complainant himself in his complaint and he has not taken Rs. 8,80,000/-, the petitioners are ready to pay back the rest of the amount.

Heard learned A.P.P. as well as learned counsel for the



informant, they have opposed the prayer for anticipatory bail of the petitioners and showed the undertaking, from which it appears that the petitioners had taken Rs. 5,70,000/- for the construction of mobile towers at Raipur, Chhattisgarh and promised the complainant to give the profit also but they neither gave any profit nor returning the money of complainant.

Having heard both sides, in view of the above facts and circumstances, let the petitioners surrender within a period of six weeks from the date of receipt of this order alongwith Bank Draft of Rs. 3,50,000/- payable in favour of opposite party no. 2 and once the same is deposited, the court below after verifying the same shall release the petitioners 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 A.C.J.M, IX, Motihari, in connection with Complaint Case No. 107 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. the amount so deposited by the petitioner shall be released in favour of the complainant.

The amount so deposited by the petitioners shall be subject to the result of the outcome of the case.

(Vinod Kumar Sinha, J)

Sunil/Amjad/-

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