

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23381 of 2018

Arising Out of PS. Case No.-2 Year-2015 Thana- AIRPORT District- Patna

1. Md. Imran Ansari @ Imran Ansari
2. Jaitun Nisha

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra

For the Opposite Party/s : Mr. Sir Pramod Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 26-04-2018 Heard learned counsels for the parties.

The petitioners are apprehending arrest in a case registered for the offences punishable under sections 341,323,307,406,420 and 379/34 of the IPC.

The prosecution case as per the written report of Md. Aslam Azad dated 2.1.2015 submitted to SHO, Hawaii Adda Police Station is to the effect that in 2008 the informant came in contact with Md. Idrish Ansari who deals in real estate business. Md. Idrish Ansari agreed to sell his land appertaining to Plot No.1076/785, situated in village Madanpur Khadar Part III, Sarita Vihar, New Delhi and the consideration amount of the said land was fixed as Rs.76,50,000/-. The said amount was given by the informant to Md. Idrish Ansari. Thereafter, Idrish Ansari started making excuse in getting the sale deed executed. After several reminders, in view of some Panchayat, Md. Idrish Ansari agreed to return the amount but he returned



only Rs.35,50,000 but did not return Rs.41,000,00/- in spite of transmitting legal notice. On 2.1.2015 at 7 A.M. Md. Idrish Ansari informed that he is in Patna and called the informant at his Jagdeo Path residence. Consequently, the informant went there then he was being assaulted by Md. Idrish Ansari. Md. Imran (petitioner no. 1), son of Md. Idrish Ansari pointed pistol to the informant. Md. Idrish Ansari snatched executive bag containing important documents and Rupees Three Thousand Five Hundred. Petitioner no. 1 snatched Titan watch from the informant. When the neighbouring people tried to save the informant then other accused persons also assaulted. Md. Idrish Ansari tried to strangle the informant.

It is submitted by learned counsel for the petitioners that the petitioners are son and wife of Md. Idrish Ansari. This is not in dispute that agreement was only between Md. Idrish Ansari and the informant. There is specific case of the informant in the FIR that he gave money to Md. Idrish Ansari, however, in presence of the petitioners only and Md. Idrish Ansari and the informant were parties to the Panchayat. The subsequent accusation of making assault or snatching are cosmetic in nature. It is further submitted that



Md. Idrish Ansari has been granted regular bail vide Cr. Misc. No. 16170 of 2018.

Learned counsel for the informant submits that Md. Idrish Ansari and his entire family have committed fraud with the informant and that the petitioners have also received money. It is further submitted that though statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent but the petitioners are also accused in case of similar nature of offences.

Considering the fact that there is no accusation in the FIR that agreement was entered into between the informant and the petitioners or any money was given to the petitioners, let the petitioners above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned JM Ist Class, Patna, in connection with Hawai Adda P.S. Case No. 2 of 2015 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

It is expected from the learned court below to



verify the criminal antecedent of the petitioners before
accepting their bail bonds.

(Dinesh Kumar Singh, J)

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