

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21570 of 2019

Arising Out of PS. Case No.-174 Year-2018 Thana- CHAUTHAM District- Khagaria

1. MD. SHAH ALAM @ BAUDHA Son of Shahab Uddin Resident of Village - Sarsaw, P.S.- Choutham, District - Khagaria
2. Kaisar Bano Wife of Shahab Uddin Resident of Village - Sarsaw, P.S.- Choutham, District - Khagaria
3. Shahab Uddin Son of Late Siddique Resident of Village - Sarsaw, P.S.- Choutham, District - Khagaria

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rajesh Kumar, Adv.
For the State	:	Mr. Anil Kumar, APP
For the Opposite Party/s	:	Mr.Md. Aslam Ansari, Adv.

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 10-05-2019 This application, for grant of anticipatory bail, arises out of Chautham P.S. Case No. 174/18, disclosing offences under Sections 406, 504, 506, 509/34 of the Indian Penal Code and Section 67A of the I.T. Act.

Allegation as per F.I.R. is that co-accused Md. Sarfaraz Alam and these petitioners demanded Rs. Three Lakhs from the informant on the pretext of starting a business and also offered him to be the partner in the said business and and also return the said amount within a period of two years with interest, on which informant gave Rs. Three Lakhs to Md. Sarfaraz Alam in presence of witnesses. Thereafter, when the



informant demanded his money back, they refused to pay the same and Sarfaraz Alam and his family members abused the informant and threatened and also used to send obscene photographs of his daughter on whatsapp and facebook and it appears that petitioner no. 3 is accused in three more cases.

Submission of learned counsel for the petitioners is that they are family members of the main accused Sarfaraz Alam and they have falsely been dragged in this case and there is no allegation against them that they took money from the informant or they send the obscene photograph of his daughter.

Heard learned A.P.P. also.

Having heard both sides, so far petitioner nos. 1 and 2 are concerned, considering the facts and circumstances of the case, in the event of their arrest or surrender before the court below within six weeks, they are directed to be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty five Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria, in connection with Chautham P.S. Case No. 174/18, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

So far petitioner no. 3 is concerned, considering the



fact that he is also accused in three more cases, I am not inclined to grant the privilege of pre-arrest bail to petitioner no. 3 rather he should surrender and make prayer for regular bail, which will be disposed of by the court below on the merit of the case.

This application is accordingly disposed of.

(Vinod Kumar Sinha, J)

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