

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30481 of 2019

Arising Out of PS. Case No.-193 Year-2019 Thana- PHULWARISHARIF District- Patna

1. ANJUM ARA Son of Late Mohamad Munna Resident of Kaisar Jaya Apartment, Flat No. 102, Floor, Makadum Rasti Colony, Phulwarisharif, Distt - Patna.
2. Md. Adil Son of Late Mohamad Munna Resident of Kaisar Jaya Apartment, Flat No. 102, Floor, Makadum Rasti Colony, Phulwarisharif, Distt - Patna.

... .. Petitioners

Versus

1. THE STATE OF BIHAR
2. Syed Mohammad Tanvir Hyat (Informant), son of Sri Babar Hayat Kadri, r/o Hayat cottage, Pandit Ji Ki Gali, Chunati Kuwar, Phulwarisharif, P.S. Phulwarisharif, Dist. Patna

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh
For the Opposite Party/s : Mr.Satya Nand Shukla

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 30-07-2019 Petitioners seek bail in anticipation of their arrest in connection with Phulwari Shariff P.S. Case No. 193 of 2019 registered for the offences punishable under Sections 420, 406 and 120B of the Indian Penal Code.

Allegation against the petitioners as per FIR is that informant is a wholesale business of chicken in partnership and one of the partners Md. Amir @ Fruity and petitioners took a loan of Rs.6.5 lac from him for the purpose of marriage of his sister on the plea that he will return the same by December, 2018 and again he demanded Rs.2 lac from him for purchase of car and the same has been given to brother-in-law of Fruity.



Further it appears that thereafter at the request of Fruity for running a business he has paid Rs.7 lac to Fruity and thereafter on demand they have not returned the money.

Submission of learned counsel for the petitioners is that as a matter of fact the business was in between Fruity and the informant and whatever money has been taken that has been taken by Fruity and not the petitioners but they have falsely been implicated in this case in order to pressurise Md. Amir @ Fruity and petitioner No.1 is mother of Fruity and petitioner No.2 is brother of Fruity.

Heard learned APP and learned counsel for the informant, who has opposed the prayer for anticipatory bail stating that FIR itself shows that Rs.6.5 lac has been taken by the petitioners as well as Md. Amir @ Fruity and during investigation they have admitted the same before the I.O. and CD of the same is also kept in the case diary and altogether 15 lacs has been taken from the informant.

In view of above facts and circumstances, let petitioner No.1, being a lady, in the event of arrest or surrender, be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial



Magistrate-XV, Patna, in connection with Phulwari Shariff P.S. Case No. 193 of 2019, G.R. No. 1552 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and further condition is that one of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the court concerned and further condition is that she has to co-operate in the investigation and appear before the police as and when required.

So far petitioner No.2 is concerned, I am not inclined to grant the privilege of anticipatory bail to him. However, if there is any talk of settlement between the parties with respect to return of the money to the informant, he may state the same while praying for regular bail in the court below, which shall be considered by the court below while passing order in the regular bail application of petitioner No.2.

With the above observation, this application is disposed of.

(Vinod Kumar Sinha, J)

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