

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33561 of 2019

Arising Out of PS. Case No.-41 Year-2017 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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1. MD. AARAS @ MD. AARAS ANSARI Son of Late Khush Mohammad Ansari Resident of Village- Telpur, P.S.- Lauriya, District- West Champaran
 2. Ibrar Alam Son of Md. Aaras Ansari Resident of Village- Telpur, P.S.- Lauriya, District- West Champaran
 3. Mashiha Alam Son of Rahman Miyan Resident of Village- Mahuawa, Pipara, P.S.- Shikarpur, District- West Champaran

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Jahangir Ansari Son of Md. Sharif Ansari Resident of Village- Koluha Chautarwa P.S.- Chautarwa, District- West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aditya Nath Jha
For the Opposite Party/s : Mr.Narendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 22-05-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Complaint Case No.41-C of 2018/Tr. No.3807 of 2018 registered under Sections 341, 323, 504, 420 and 406/34 of the Indian Penal Code.

The accusation is that the petitioners having visiting term with the complainant/opposite party no.2 came at the house of the complainant/opposite party no.2 and the petitioner no.2



Ibrar Alam told the complainant/opposite party no.2 that his brother used to reside at South Africa and earn handsome money and asked him to manage Rs.1,60,000/- to send his sons at South Africa. Relying on the talk of the petitioner no.2, the complainant/opposite party no.2 gave Rs.68,200/- to the petitioner no.2 and, later on, he also deposited Rs.91,800/- in the account as furnished by the petitioner no.2. When in spite of passing over three months, no action was taken by the petitioners for sending the sons of the complainant/opposite party no.2, then the complainant/opposite party no.2 went to the house of the petitioners, where he was given assurance that the work is going on. However, one year has elapsed but the sons of the complainant/opposite party no.2 were not sent to abroad and when the complainant/opposite party no.2 asked the petitioners to return the money, the petitioners abused and caused assault to him through fists and slaps and asked him that they will not return the money.

Learned counsel for the petitioners submits that, in fact, the petitioner no.1 has lodged Complaint Case No.1473 of 2016 in the court of the Chief Judicial Magistrate, Bettiah, West Champaran against the complainant/opposite party no.2 and others, due to that reason, only to put undue pressure upon the



petitioners, the complainant/opposite party no.2 has lodged the present complaint case.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-II, Bagaha, West Champaran, in connection with Complaint Case No.41C of 2017, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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