

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46045 of 2019

Arising Out of PS. Case No.-854 Year-2015 Thana- MOTIHARI TOWN District- East
Champaran

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1. Kanchan Mala, W/o Vijay Prasad @ Vijay Jaiswal
 2. Vijay Prasad @ Vijay Jaiswal, S/o Late Jagarnath Prasad
Both R/o village- Nakachhed Tola, Jamla Road (Near Awasiya Vidya
Niketan), P.S.- Town, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ansul, Adv.
		Ms. Salmo Naaz, Adv.
For the Opposite Party/s	:	Mr.Sunil Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 25-09-2019 Heard learned counsel for the petitioners and learned
APP for State.

The petitioners in this case are seeking anticipatory
bail in connection with Motihari Town P.S. Case No.854 of
2015, arising out of Complaint Case No.2203 of 2015,
registered for the offences punishable under Sections 341, 323,
406, 420 and 504/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the
petitioner nos.1 and 2 are the mother and father respectively of
Sumit Jaiswal to whom the informant is said to have given
Rs.32,000/- in his account. It is further submitted that so far as
these two petitioners are concerned, no money has come in their



account. The son of the petitioners and son of the informant were friends and they were looking for a job in hotel management. It is in this process that they had applied for Visa and both of them were looking for arrangement of their respective Visa through same person to whom the informant had also paid Rs.49,900/- and Rs.50,000/- in the accounts. The Visa of the son of the petitioner was granted but when the informant's son could not get the Visa, the present case has been filed alleging that a total sum of Rs.2,50,000/- was paid by the informant in the different accounts.

Learned APP for the State has opposed the prayer for anticipatory bail, however, it is appearing from the records that no money has come in the account of these petitioners.

In the given facts and circumstances of the case, let the petitioners above named in the event of their arrest or surrender within a period of four weeks from today, be enlarged on bail on furnishing of bail bonds of Rs. 15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., East Champaran at Motihari in connection with Motihari Town P.S. Case No.854 of 2015, arising out of Complaint Case No.2203 of 2015, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e.



(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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