

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.56960 of 2019**

Arising Out of PS. Case No.-861 Year-2018 Thana- SAHARSA District- Saharsa

MD. ISMAIL ANWAR @ MISTER Son of Late Md. Yusuf Resident of Mohalla-Md. Ali Road, Hatiya Gachhi, Ward No.31, Police Station-Saharsa, District-Saharsa.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Md. Abbas Son of Late Md. Nazir Resident of Mohalla-Hakpara, Ward no.13, Police Station-Saharsa, District-Saharsa.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Syed Masleh Uddin Ashraf  
For the Opposite Party/s : Mr.Kalyan Shankar

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

4      20-11-2019                      Heard learned counsel for the petitioner, learned counsel for the informant and learned Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 341, 323, 406, 420, 504, 506 of the Indian Penal Code.

The prosecution case is that the informant, believing to be the representative of a company 'Rose Valley' deposited Rs. 60,000/- [one thousand per month for five years (2009-2014)], to the petitioner in an assurance that the amount will be doubled on its maturity, but on its maturity i.e. 31.12.2014, the informant could not get his money back with double of the



amount rather on 05.04.2018 he was thrashed and threatened with dire consequences.

Learned counsel for the petitioner submits that there is not a single chit of paper/receipt on record to show that any money transaction was made between the informant and the petitioner. He submits that the delay of filing of the instant case after four years of the alleged cause of action, without any cogent reason, creates a serious doubt of the prosecution story. He submits that petitioner is a school teacher in a middle school since 2006, has never been a representative/agent of the company namely 'Rose Valley' nor has received a single penny from the informant. He further submits that petitioner has no criminal antecedent.

Learned counsel for the informant submits that there is sufficient material in the case diary against the petitioner. He further submits that the petitioner is the main accused who taken the said amount in an assurance that the amount will be doubled on its maturity.

In the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on



furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Saharsa in connection with Saharsa Sadar Police Station Case No. 861 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Anjani Kumar Sharan, J)**

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