

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71832 of 2019

Arising Out of PS. Case No.-970 Year-2018 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Ajijul Rahaman @ Ladle @ Aziurahman @ Azizur Rahman, Son of Rabbani
Minya, Resident of Village - Ilmasnagar, P.S. - Khanpur, District - Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Aslam Ansari, Son of Abdul Sattar Ansari, Resident of Village -
Karimnagar, P.S. - Mohuddinnagar, District - Samastipur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Advocate
For the Opposite Party/s : Mr. Gauri Shankar Gupta, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 29-11-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Section 420 of the Indian Penal Code.

The complaint based allegation would reveal especially the statement of the complainant on oath that the complainant was introduced by three other persons with the petitioner. Thereafter, the complainant went to the house of the petitioner. Complainant was to go abroad and for that purpose, he paid in the bank account of the petitioner rupees one lac forty-seven thousand. Complainant was sent abroad where remained for one month because Visa was only for one month,



whereas the petitioner had informed him that Visa was for twenty-two months. Since, Visa expired, the complainant was forced to return to India. Thereafter, complainant talked to the petitioner on phone and as agreed visited the house of the petitioner and the petitioner said that he would be send again to the said country. The complainant refused to go thereat and asked for refund of money. The petitioner handed over two cheques but both bounced due to insufficient money in the account.

Learned counsel for the complainant opposed the prayer for bail.

Considering the entire averment aforesaid, at least, for the purpose of consideration of prayer for anticipatory bail, no case of cheating is made out as there is lack of dishonest and fraudulent intention of the petitioner at any point of time, hence, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.20,000/- (rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with Complaint Case No. 970 of 2018, subject to



the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the petitioner shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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