

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80094 of 2019

Arising Out of PS. Case No.-127 Year-2017 Thana- MOTIHARI TOWN District- East
Champaran

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1. ASHRAF KHAN Son of Late Ramzan Khan R/o Henry Bazar, P.S.- Town, Motihari, District- East Champaran at Present Kachhi, Sarai, P.S.- Mithanpura, District- Muzaffarpur.
 2. Dr. Abhishek Tiwary Son of Dr. B. Tiwary R/o Juran Chapra, P.S.- Mithanpura, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Zainul Abedin

For the Opposite Party/s : Mr.Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 13-12-2019 Heard the learned counsel for the petitioners and the
learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Nagar P.S. Case No. 127 of 2017 for the offence registered under Sections 406, 420, 379 and 506/34 of the Indian Penal Code.

The allegation is regarding the petitioners herein having taken money from the informant with a promise that the same would be returned within a period of two years with further 25% benefit over the said amount. It has also been alleged by the informant that while he was doing work of cleaning under *Swachhata Abhiyan* on contract basis in Sadar Hospital, Motihari, he had met the petitioners and thereafter he



had been gained over by the petitioners to pay the aforesaid amount of Rs. 20,00,000/-. Lastly, it is alleged that though the promise was made to return the money within two years along with 25 per cent benefit, however, the petitioners herein have refused to return back the money and instead when the informant had gone to ask for his money, he was assaulted by them.

The learned counsel for the petitioners has submitted that the present case arises out of case and counter case, the case filed by the petitioners being first in time. It is further submitted that the agreement being referred to by the informant is forged and fabricated and no such agreement had ever been entered into between the parties with regard to providing employment to the informant. It is also submitted that the petitioners are having clean antecedents and in case the privilege of anticipatory bail is granted to them, they are not likely to jump bail and would also cooperate in investigation.

Having regard to the facts and circumstances of the case, the petitioners, above named, are directed to be released on anticipatory bail in the event of their arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with



two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Nagar P.S. Case No. 127 of 2017 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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