

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20417 of 2020

Arising Out of PS. Case No.-563 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

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Mohammad Mehboob Alam Son of Khuddus Alam Mohalla CDA Coloney,
Kanpur Road, P.S.-Sarojini Nagar, District-Lucknow, Uttar Pradesh, Dispatch
Manager, Scooter India Ltd. Lucknow, Uttar Pradesh.

... .. Petitioner

Versus

1. The State of Bihar
2. Md. Shamshad S/o Md. Munna Qurassi Resident of Mohalla-Phulwari Sharif, P.S-Phulwari, District-Patna, Proprietor M/s Mehtab-Body Maker, Kumhrar, Daudbagh, Talab Pe, Lohiya Nagar, P.S.-Agamkuan, District-Patna.

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Ansul, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

ORAL ORDER

- 2 25-09-2020 The office vide its report dated 16.06.2020 points out four defects but defects no. 1 and 4 are of formal nature. So far as defect no. 2 is concerned, learned counsel of the petitioner submits that real name of petitioner is Mohammad Mehboob Alam and the same name has been written in complaint petition but the learned court below while rejecting the anticipatory bail petition of the petitioner in title cause wrongly written the name of petitioner as Mahboob Alam. Learned counsel of the petitioner further submits that so far as defect no. 3 is concerned, no doubt, the statement in respect of criminal



antecedent ought to have mentioned at para 3 of the petition but due to clerical error, the same has not been made. He further submits that petitioner does not have any criminal antecedent and this statement may be recorded in the order sheet.

In view of the aforesaid submissions, defects, as pointed out by the office, are ignored.

Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State through video conferencing.

Petitioner apprehends his arrest in connection with Complaint Case No. 563 C of 2017 in which cognizance has been taken for the offence punishable under Section 406 of the Indian Penal Code.

Admittedly, the complainant gave amount in question to accused no. 1 and 2 and no cash was handed over to the petitioner. There is only allegation against the petitioner that on his guarantee complainant made payment to accused no. 1 and 2.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that petitioner, in the event of his arrest/ surrender within six weeks from the date of receipt of



this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Patna in Complaint Case No. 563 C of 2017, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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