

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14888 of 2020

Arising Out of PS. Case No.-624 Year-2016 Thana- GAYA COMPLAINT CASE District-
Gaya

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1. Shamsheer Alam @ Md. Shamsheer Alam, Male, aged about 50 years, Son of Late Md. Quddus Alam @ Md. Quddus @ Md. Abdul Quddus
 2. Kausar Bano, Female, aged about 72 years, Wife of Late Md. Quddus Alam @ Md. Quddus @ Md. Abdul Quddus, both are resident of Village - Chakuliya Muslim Basti, Police Station - Chakuliya, District - East Singhbhum (Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bilquis Bano, Wife of Late Md. Abrar Ahmad, Resident of Mohalla - Gewal Bigha, Police Station - Rampur, District - Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No.2, Advocate
For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 01-02-2021 Learned counsel for the opposite party no.2 has filed counter affidavit, which is kept on record.

Heard learned counsel for the petitioners, learned counsel for the opposite party no.2 and learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Complaint Case No. 624 of 2016/1432 of 2016 registered for the offences punishable under Sections 403, 420 and 406 of the Indian Penal Code.

The prosecution story based on the complaint filed by



one Bilquis Bano in the court of Chief Judicial Magistrate, Gaya alleging therein that she is a widow and husband was teacher in Zila School, who died thereafter complainant married her two daughters with Accused No.1 and his younger brother. They are demanding dowry and also harassing her daughter. On 10.12.2014, both the accused came at her residence and they requested to purchase a second hand Sumo Victa vehicle in Rs.3 Lakhs. The Accused No.1 talked with the owner of the vehicle namely Satyendra Singh and thereafter on 12.12.2014, she transferred the amount in the account of Md. Islam on the request of Accused Nos.1 and 2. The vehicle purchased in the year 2015 but on demand of paper same has not been produced to her. She received information from her elder daughter that the paper of said vehicle has been transferred in the name of Shamsheer and thereafter she asked from Shamsheer then he told that the said vehicle cannot be transferred in your name. She told to Shamsheer to transfer the vehicle at Gaya, but same has not been transferred, thereafter, she made allegation that they committed cheating with her.

Learned counsel for the petitioners submits that the petitioners are quite innocent and have falsely been implicated in the present case. He further submits that the complainant after



thought and consultation with the advocate, the present case has been filed in which both the sons and mother has been made accused. In fact, earlier the daughter of the complainant lodged a case under Section 498(A) of the Indian Penal Code against these petitioners and on 01.06.2016 on the basis of a fake allegation that her daughter has been tortured by these petitioners. If the present complaint case has been filed on 07.05.2016 making allegation that on her request, amount has been transferred in the account of one Md. Islam then why the First Information Report has been instituted under Section 498(A) I.P.C. on 01.06.2016 as at the time of giving money relation was very cordial. Learned counsel for the petitioners further submits that the petitioner no.2 is an old lady. He further submits that there is general and omnibus allegation against these petitioners. No Sections 406 and 420 of I.P.C. is made out against these petitioners.

Learned counsel for the opposite party no.2 opposed the prayer for bail and submitted that in the complaint petition, petitioner no.1 has given Talaque to the daughter of the complainant.

Considering this fact and circumstances, there is no specific allegation against these petitioners and Talaque has



been given by petitioner no.1 to the daughter of the complainant. Let the above named petitioners be released on bail, in the event of arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Complaint Case No. 624 of 2016/1432 of 2016, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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