

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32354 of 2020

Arising Out of PS. Case No.-198 Year-2005 Thana- SIWAN CITY District- Siwan

1. SAYEED AHMAD, Son of Late Md. Idris, resident of village - Athkhamba Post Koiriganwa, P.S. Barharia, Dist. Siwan. At present House No. 10539 Road No. 14B Jawahar Nagar, Mango Fazal Colony Jamshedpur, P.S. Mango, Distt. East Singhbhoom (Jharkhand).
2. Khalid Parwez @ Rizwan Ahmad, Son of Sayeed Ahmad, resident of village - Athkhamba Post Koiriganwa, P.S. Barharia, Dist. Siwan. At present House No. 10539 Road No. 14B Jawahar Nagar, Mango Fazal Colony Jamshedpur, P.S. Mango, Distt. East Singhbhoom (Jharkhand).
3. Samir Khan @ Aftab Alam @ Md. Aftab, resident of village - Athkhamba Post Koiriganwa, P.S. Barharia, Dist. Siwan. At present House No. 10539 Road No. 14B Jawahar Nagar, Mango Fazal Colony Jamshedpur, P.S. Mango, Distt. East Singhbhoom (Jharkhand).
4. A. Perwez @ Ashraf Perwez @ Munna, resident of village - Athkhamba Post Koiriganwa, P.S. Barharia, Dist. Siwan. At present House No. 10539 Road No. 14B Jawahar Nagar, Mango Fazal Colony Jamshedpur, P.S. Mango, Distt. East Singhbhoom (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Aslam Ansari
For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 08-02-2021 Heard Mr. Md. Aslam Ansari, learned counsel

for the petitioners and Mr. Ashok Kumar Singh, learned

APP for the State.

The petitioners seek bail in anticipation of their

arrest in connection with Town P. S. Case No. 198 of

2005 dated 10.09.2005, instituted for the offences



under Sections 406, 419, 420, 467 and 468 of the Indian Penal Code.

From the perusal of the F.I.R., it appears that it is a case of the year 2005. The accusation is of having duped the information of Rs. 1 lakh on the pretext of providing him a job in a foreign country. When the passport was not given to the informant, then on his demand, a cheque of Rs. 25,000/- was given to him which bounced. The money which is due to the informant has not been returned to him.

The learned counsel for the petitioner has submitted that the petitioner no. 1 is 80 years old on date. The petitioners have been residing in the State of Jharkhand for a long time and they did not have any idea about their implication in the present case. When they learnt about the matter, an attempt was made to settle the dispute and the efforts have bore fruit. These facts have been noted down in the order impugned.

This Court, in view of the comprise between the



parties and the case being of the year 2005, is inclined to grant relief to the petitioners but for the fact that the petitioners are stated to be absconders.

Considering this status of the petitioners, I am not exercising my discretion under Section 438 of the Code of Criminal Procedure.

The prayer for anticipatory bail is rejected.

However, if the petitioners surrender before the court below and seek bail, the court below shall pass necessary orders in accordance with law, without being prejudiced by the fact that the present petition has not been entertained by this Court.

(Ashutosh Kumar, J)

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