

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11293 of 2021

Arising Out of PS. Case No.-362 Year-2019 Thana- PHULPARAS District- Madhubani

1. Md. Israil, aged about 40 years (Male).
2. Md. Kalam, aged about 35 years (Male)
Both sons of Md. Yusuf, Resident of Village - Brahmpura, P.S.-
Phulparas, Dist.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.M. Shamshi, Adv. Mr. Rashid Rais, Adv.
For the State	:	Mr. Binod Kumar, APP
For the Opposite Party/s	:	Mr. Pramod Kumar Yadav, Adv.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 08-03-2022 Heard Mr. N.A. Samshi, learned Advocate for the
petitioners, Mr. Pramod Kumar Yadav for the Informant and Mr.
Binod Kumar for the State.

The petitioners seek bail in anticipation of their arrest
in connection with Phulparas P.S. Case No. 362 of 2019 (G.R.
No. 1454 of 2019) dated 04.09.2019 instituted for the offences
under Sections 419, 420 & 406 of the Indian Penal Code.

The accusation against the petitioners is of having
taken Rs. 5,00,000/- from the Informant for providing Visa but
neither the Visa has been given to him nor money has been
returned.

Mr. Samshi, learned advocate for the petitioners has



submitted that the accusation is absolutely false. The money is said to have been given to them by the Informant in the year 2016 but, the F.I.R. has been lodged in the year 2019. There is no definite proof of any money having been given to the petitioners. The money which is shown to have been transferred in their account is the return of the accommodation loan given to the Informant.

Mr. Pramod Kumar Yadav, learned advocate for the Informant however has a different story to narrate. He has submitted that against the money which was given by him to the petitioners, only a tourist Visa was given to him with the assurance that proper Visa shall be provided to him but, up till now, the promise made by the petitioners have not been fulfilled. He further submits that the amount which has been deposited in the bank account of the petitioners is the money which was taken by the petitioners for providing Visa to them.

Regard being had to the aforesaid disputed facts and taking into account that after three years of the Informant not having received his Visa nor his money being returned, this case has been filed, the petitioners are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of



receipt/production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-II, Jhanjharpur in connection with Phulparas P.S. Case No. 362 of 2019 (G.R. Case No. 1454 of 2019), subject to the conditions as laid down under Section 438(2) Cr.P.C.

While saying so, this Court has also taken note of the fact that the petitioner no.1 had been working at Saudi Arabia since 2012 and the petitioner no.2 is also a teacher prior to which engagement he was in Saudi Arabia.

(Ashutosh Kumar, J)

rishi/-

U		T	
---	--	---	--

