

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30976 of 2021

Arising Out of PS. Case No.-307 Year-2020 Thana- GARDANIBAG District- Patna

SARFARAZ IQABAL SON OF MD. IQUBAL R/O MOHALLA- WARD
NO.21, NEAR MADIRI MASJID, P.S.- SUPAUL, DISTRICT- SUPAUL.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. SAMSHER ALAMDILKASH SON OF TAIYAB R/O MOHALLA-
ALINAGAR ROAD, NO.- A/3, PLATINUM, RESIDENCY, ANISHABAD,
P.S.- GARDANIBAGH, DISTRICT- PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Krishan Jha
For the Opposite Party/s : Mr. Aditya Nr. Singh 1

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 27-06-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard the learned counsel for the petitioner and

learned APP for the State.

The petitioner apprehends his arrest for the

offences alleged under Sections 406 and 420 of the Indian Penal

Code, registered in connection with Gardanibagh P.S.Case No.

307 of 2020.

As per allegation, the informant gave Rs. 10,50,000/-

to Nazneen Iqbal for investment in CPX Coin Company. She did

not return the money and in lieu thereof, she issued a cheque



which was dishonoured by the bank. She also handed over her four-wheeler bearing registration no. BR01DS1465 to the informant as a security which she neither took away nor returned the money.

It is an admitted fact that Nazneen Iqbal against whom there is allegation of issuance of cheque has died during the pendency of this anticipatory bail application.

The learned counsel for the petitioner has submitted that criminal liability attracted against the wife is transferred as vicarious liability on the shoulder of the husband, who is the petitioner.

There is no concept of vicarious liability in criminal law.

The person who issued the cheque has died during the pendency of the anticipatory bail application. The ultimate remedy, in my view, eventually lies to the civil court and not in the criminal court.

Considering the above-mentioned observation, the provisional bail granted to the petitioner under order dated 18.01.2022 is hereby confirmed on the same terms and conditions as mentioned therein.

Office shall ensure that all defects are removed by



the petitioner within the stipulated time as provided hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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