

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34788 of 2021

Arising Out of PS. Case No.-202 Year-2019 Thana- CHENARI District- Rohtas

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1. RAJA ANSARI @ FAROG ANSARI Son of Late Aftab Ansari @ Aftab Alam Resident of Village - Banauli, P.S.- Chenari, Distt.- Rohtas at Sasaram.
 2. Sonu Ansari @ Tanveer Ansari Son of Late Aftab Ansari @ Aftab Alam Resident of Village - Banauli, P.S.- Chenari, Distt.- Rohtas at Sasaram.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Brajesh Kumar Chaubey son of Hridwar Choubey, r/o village Pewandi, P.S. Chenari, Rohtas at Sasaram

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Rameshwar Singh
For the Opposite Party/s :	Mr.Mukesh Kumar Singh
	Mr. Raghunandan Kumar Singh
	Ms. Riya Singh
	Mr. Binay Kumar Singh

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

ORAL ORDER

4 23-08-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard the learned counsel for the petitioners and learned counsel for the informant.

The petitioners apprehend their arrest for the offences alleged under Sections 406, 420, 467 and 468 of the Indian Penal Code, registered in connection with Chenari P.S.Case No. 202 of 2019.

As per allegation, co-accused Bablu Ansari, Pappu



Ansari and Ishtiyak Ansari, who are brothers of the petitioners, demanded Rs. 50,00,000/- from the informant which he provided. They executed an agreement to return the money. Bablu Ansari issued a cheque of Rs. 50,00,000/- in favour of the informant which was dishonoured by the Bank. Co-accused Ishtiyak Ansari also issued a cheque of Rs. 10,00,000/- which was also dishonoured by the Bank. The allegation against the petitioners is that when the informant came to the house of the petitioners for demand of his money, petitioners threatened him to kill and also attempted to snatch the dishonoured cheques from the Bank.

The learned counsel for the petitioners has submitted that there is no allegation against petitioner No.1 in the FIR that he issued cheques in favour of the informant, rather their brothers Ishtiyak Ansari and Bablu Ansari had issued the cheques which were dishonoured by the Bank. There is merely allegation that when the informant demanded his money, the petitioners threatened him to kill.

On the other hand, learned counsel for the informant has submitted that co-accused Ishtiyak Ansari and Bablu Ansari were granted bail by the court below on the basis of compromise petition and it has been mentioned in paragraph



no.4 of the compromise petition that though the compromise was entered into between Bablu Ansari and Ishtiyak Ansari on one side and the informant on the other side, but in paragraph no.4 of the compromise petition it has been mentioned that three cheque numbers given in that paragraph no.3 were issued by petitioner no.2. He has submitted further that those three cheques were also dishonoured by the Bank, to which learned counsel for the petitioners replied that after subsequent development those cheques are not the subject matter of the present FIR.

So far as petitioner no.1 is concerned, there is no allegation against him that he issued any cheque in favour of the informant.

Considering the facts and circumstances of the case, let petitioner no.1 Raja Ansari @ Farog Ansari in the event of his arrest or surrender within four weeks from the date of communication of this order, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Rohtas at Sasaram in connection with Chenari P.S.Case No. 202 of 2019, subject to the conditions as laid down under Section 438(2) Cr. P.C.



So far as petitioner no.2 Sonu Ansari @ Tanveer Ansari @ Aftab Alam is concerned, the compromise petition dated 31.01.2020 itself shows that he issued three cheques which were dishonoured by the Bank and on the basis of those cheques only, the compromise petition was entered into between the main accused Ishtiyak Ansari and Bablu Ansari on one side and the informant on the other side.

In view of aforesaid, **prayer for anticipatory bail on behalf of petitioner no. 2 is rejected.**

Office shall ensure that all defects are removed by the petitioners 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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