

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67561 of 2021

Arising Out of PS. Case No.-876 Year-2018 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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1. WASIM ANWAR Son of Anwar Hussain Resident of Vill.- Tirlokwa, Ward No.- 01, P.O.- Maniyari, P.S.- Shikarpur, Distt.- West Champaran.
 2. Anwar Hussain Son of Aziz Seikh Resident of Vill.- Tirlokwa, Ward No.- 01, P.O.- Maniyari, P.S.- Shikarpur, Distt.- West Champaran.

... .. petitioners/s

Versus

1. The State of Bihar
2. Gulam Sarvar Son of Md. Rauf Resident of Raibari Mahuawa, P.O.- Jharmahui, P.S.- Chautarwa, Dist.- West Champaran

... .. Opposite Party/s

Appearance :

For the petitioners/s : Mr.Shantanu Kumar
For the Opposite Party/s : Mr.Jai Narain Thakur

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

ORAL ORDER

3 22-09-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the office within one month.

Heard the learned counsel for the petitioners as well as the learned Additional Public Prosecutor for the State.

The petitioners apprehend their arrest in connection with Complaint Case No. 876 of 2018, registered for offence punishable under sections 420, 406/34 of the Indian Penal Code.

As per allegation, the petitioners took Rs. 2,50,000/- from the complainant for sending his men to abroad. They went



to abroad but they had to return as they became unable to get the assured work. Thereafter, the petitioners agreed to return Rs. 1,63,000/-. Despite their written undertaking/agreement, they failed to return it.

Learned counsel for the petitioner has submitted that the statement of those three men has not been recorded. Even identification of those three men has not been disclosed which shows that it is a dispute between two agents.

On the other hand, the learned APP, Sri J.N. Thakur has opposed the prayer for bail.

The petitioners assured to return Rs. 1,63,000/- and the undertaking was given in writing, despite that the money has not been returned.

The learned counsel for the petitioners has submitted that the petitioners may return the money but it should be subject to final outcome of the case.

Considering the above mentioned facts and circumstances, the petitioners above named, in the event of his arrest or surrender, within four weeks from today, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of ACJM 1st, Bagha, West Champaran in connection with Complaint Case



No. 876 of 2018 subject to condition as laid down under section 438(2) Cr. P.C.

The petitioners are directed to return entire money to the informant/complainant within a period of two months from today, failing which their bail bonds shall liable to be cancelled. The return of money shall be subject to final outcome of the case.

Office shall ensure that all defects are removed by the petitioners within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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