

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30047 of 2023

Arising Out of PS. Case No.-300 Year-2022 Thana- PARIHAR District- Sitamarhi

1. Rehana Khatoon Wife Of Md Shamsul Resident Of Village- Jhapha, PS- Parihar, Distt- Sitamarhi
2. Master Shamim @ Md. Shamim Ahmad Son Of Md Shamsul Resident Of Village- Jhapha, PS- Parihar, Distt- Sitamarhi
3. Saddam Hussain @ Md. Saddam Hussain Son Of Md Shamsul Resident Of Village- Jhapha, PS- Parihar, Distt- Sitamarhi
4. Master Gulab @ Md. Gulab Mansoorri Son Of Md Shamsul Resident Of Village- Jhapha, PS- Parihar, Distt- Sitamarhi
5. Aftab Alam @ Md. Aftab Son Of Md. Shamsul Resident Of Village- Jhapha, PS- Parihar, Distt- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Dinesh Jha, Adv.
For the State	:	Mr.Tarun Prasad Mandal APP
For the Informant	:	Mr. Ram Niwas Roy, Adv.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioners, informant and the learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Parihar PS Case No. 300 of 2022 dated 13-10-2022, registered for the offence punishable under Sections 406,409,420, 504 and 506/34 of the Indian Penal Code.

3. The informant has alleged misappropriation of an amount of Rupees 12,10,000/- which he had given for recurring deposit in the post office. The allegation of misappropriation is



against co- accused viz., Shamsul. The petitioners, as per allegation, have aided- him as they have abused and threatened the informant when demand was made for return of the amounts from the co-accused viz., Shamsul.

4. Learned counsel for the petitioners submits that the FIR itself shows that the allegations are against co-accused viz., Shamsul. The petitioners have been dragged in this case on extraneous consideration. Petitioner No.1 is a housewife and petitioner Nos. 2, 3 and 4 are school teachers, whereas petitioner No.5, in fact, stays outside the State of Bihar for his livelihood. The petitioner Nos. 1,2,3 and 5 have been implicated in other cases in a similar way.

5. Learned APP for the State and informant have opposed the prayer for bail. it is submitted that the petitioners have aided and abetted co- accused viz., Shamsul and, therefore, they cannot escape their criminal liability.

6. Considering the rival submission, nature of allegation predominantly made against co-accused viz., Shamsul, this Court, for the limited purposes of grant of bail, is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for anticipatory bail is allowed.

7. Accordingly, let the petitioners, above named, in



the event of their arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned JM Ist Class, Sitamarhi /Successor Court, Sitamarhi, in connection with Parihar PS Case No. 300 of 2022 dated 13-10-2022, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure with following conditions:

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

shyambihari/-

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

