

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32323 of 2023

Arising Out of PS. Case No.-341 Year-2022 Thana- PARIHAR District- Sitamarhi

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1. Md Sajjad Hussain Son of Md. Sabir.
2. Md. Sabir Ansri Son of Late Khalil Ansari.
3. Anjum Khatoon Wife of md. Sabir Ansari
All are resident of Village- Brahi, PS. Parihar, District- sitamarhi
- Petitioner/s
- Versus
- The State of Bihar
- Opposite Party/s
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Appearance :

For the Petitioner/s : Mr. Subhash Kumar, Advocate
For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 18-10-2023 Heard learned counsel for the petitioners as well as
learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Parihar P.S. Case No.341 of 2022, F.I.R. dated 16.11.2022 registered for the offence punishable under Sections 406, 420/34 of the Indian Penal Code.

3. The prosecution case, in short, is that the accused persons, namely, Md. Sabir Ansari and Anjum Khatoon came to the house of informant and convinced him to send his all three sons to Oman for work as their son Md. Sajjad Hussain is already working there in a company as Development Agent, who will facilitate in getting the job over there. Thereafter, all three accused persons came to the house of informant on 26



July, 2022 and as per previous agreement between them, informant deposited Rs.2,05,500/- in the account of Md. Sajjad Hussain and handed over cash Rs.79,500/- to accused Anjum Khatoon. Thereafter all three sons of informant went to Oman and subsequently they informed by telephone that the said company was a cheater and fraud, and in spite of engaging them in packing work, they were engaged as labour. They also alleged that they are treated with cruelty and were also confined. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that petitioners have clean antecedent and have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offence as alleged in the F.I.R. Further, submits that as per allegation made in the FIR, the petitioners and the informant had signed an agreement and pursuant to that the informant had deposited Rs.2,05,500/- in the account of petitioner no.1 and handed over Rs.79,500/- to Anjum Khatoon, who is petitioner no.3. He further submits that from perusal of the FIR, it appears that pursuant to that agreement the son of the informant and other persons had gone to the Oman and they had joined the service in private company



and petitioners have never cheated the son of the informant or other persons.

5. Learned counsel for the informant as well as learned APP for the State, on the other hand vehemently opposed the prayer for anticipatory bail of the petitioners and submits that the informant had handed over the aforesaid amount for sending Oman for better job but his son has given a job of labour.

6. Considering the aforesaid facts, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Sitamarhi in connection with Parihar P.S. Case No.341 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(i) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient



reason, their bail bonds shall be cancelled by the Court below.

(ii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of their anticipatory bail.

(iii) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of anticipatory bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Prakash Narayan

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