

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35044 of 2023

Arising Out of PS. Case No.-707 Year-2022 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Shekh Md. Jabbar @ Shekh Jabbar S/O Shekeh Rahim R/O Village-
Bhopatpur, P.S- Kotwa, Distt.- East Champaran at Motihari.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Ranjan Kumar Singh S/O Dhruv Narayan Singh R/O Village- Narayan
Pakri, P.S- Pipra, Distt.- East Champaran at Motihari.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 43710 of 2023

Arising Out of PS. Case No.-707 Year-2022 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Sheikh Md. Firoz @ Shekh Firoz Son of Shekh Satar Resident of Village -
Bhopatpur, P.S.- Kotwa, District - East Champaran at Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ranjan Kumar Singh Son of Dhruv Narayan Singh Resident of Village -
Narayan Pakri, P.S.- Pipra, District - East Champaran at Motihari.

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 35044 of 2023)

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Vijay Shankar Shrivastava

(In CRIMINAL MISCELLANEOUS No. 43710 of 2023)

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Madhuri Lata

Mr.Vijay Shankar Shrivastava

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

- 3 24-08-2023 Both cases arise out of same police station case

numbers and as such, both cases were taken up together for

consideration of prayer for anticipatory bail.



2. The petitioners apprehend their arrest in a complaint case punishable for the offence under Sections 323, 379, 420, 406, 467, 468, 471, 34 of the Indian Penal Code and Section 138 of the N.I.Act.

3. As per the prosecution case, petitioners alongwith other persons came at the house of complainant and demanded Rs. 30 Lacs to develop the business and also promised to share the profit and taking the complainant in confidence took Rs. 19,95,000/- from him on several dates and the accused given a cheque of the same amount to the complainant. It is further alleged that when complainant did not receive any profit or principal amount, he demanded his money, on which, accused told him to present the said cheque after 15 days and when complainant presented the cheque for encashment, it got dishonoured due to insufficient fund. It is further alleged that when the complainant went to the shop of accused, the accused petitioners alongwith five unknown persons assaulted the complainant and petitioner Firoz (in Cr.Misc. No. 43710/23) snatched Rs. 12,000/- and petitioner Jabbar (in Cr.Misc. No. 35044/23) snatched a gold chain worth Rs. 45,000/- from the neck of complainant.

4. It is submitted on behalf of petitioners that no



cheque was issued to the complainant, rather the cheque in question was handed over to one Himaat Ali with whom the petitioners were in business terms, as security, however; the said Himmat Ali handed over said cheque to the complainant and got this case lodged. Rest allegation is only ornamental.

5. However, learned A.P.P. for the State and learned counsel for the complainant / opposite party no. 2 vehemently opposed the prayer for anticipatory bail of petitioners.

6. Considering the fact that petitioner Firoz (in Cr.Misc. No. 43710/23) is author of the cheque, which got bounced due to insufficient fund, and petitioner Jabbar (in Cr.Misc. No. 35044/23) is his uncle and both have cheated the complainant, both the aforesaid bail petitions are rejected.

(Prabhat Kumar Singh, J)

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