

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38734 of 2020

Arising Out of PS. Case No.-316 Year-2018 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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1. Sheikh Safi Alam Son of Sheikh Bhola Resident of Village - Lalgarh, P.S. - Bettiah Muffasil, District- West Champaran.
 2. Sheikh Jamshed Son of Sheikh Bhola Resident of Village - Lalgarh, P.S. - Bettiah Muffasil, District- West Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Chingi Faudar Son of Late Tola Faudar Resident of Village - Barwa, P.O. - Siswa Basantpur, P.S. - Chautarwa, District- West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate
For the Opposite Party/s : Mr. A.G., APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 12-07-2023 Heard learned counsel for the petitioners and learned A.P.P. for the State alongwith learned counsel for the complainant.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 406 and 420 of the Indian Penal Code.

Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and the complainant alleges that the petitioners had taken him to Mumbai for doing labour work with an assurance that he will get fixed wage of Rs. 10,000/- per month but despite working



for four months the wages was not paid to the complainant.

The learned counsel for the petitioner submits that though petitioners have been falsely implicated in the present case but still the petitioners are willing to pay the dues of the complainant which he alleges to be dues. It is further submitted that petitioners had not taken the complainant to Mumbai rather petitioners are also labourer and the complainant had accompanied him but thereafter working, the employer did not pay the wages either to the complainant or to the petitioners.

The learned counsel for the informant in view of the submissions made by the learned counsel for the petitioner, does not oppose the anticipatory bail application of the petitioners and submits that he will WhatsApp the Bank Account number of the complaint on the WhatsApp Number of the learned counsel for the petitioners and the learned counsel for the petitioners undertakes to forward the same to the petitioners so that Rs. 36,000/- is credited in the account of the complainant.

The learned counsel for the informant further submits that in the event, the amount is credited in the account of the complainant, in that event the complainant will withdraw the present case.

Learned A.P.P. for the State opposes the prayer for



anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Complaint Case No. 316-C of 2018 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

However, it is made clear that the learned trial court before accepting the bail bonds of the petitioners shall verify whether the amount as assured to this Court has been credited in the account of the complainant or not and in the event, if the petitioners are not able to produce any document showing credit of the amount in the account of the complainant, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

Adnan/-

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