

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52106 of 2023

Arising Out of PS. Case No.-367 Year-2011 Thana- MOTIHARI TOWN District- East
Champaran

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1. Aftab Alam @ Aaptab Alam Son of Late Md. Esha, Resident of Village- Gad Bahuari, P.S. - Palanwa, Dist- East Champaran.
 2. Salamun Nesha Wife of Late Manish, Resident of Village- Gad Bahuari, P.S. - Palanwa, Dist- East Champaran.
 3. Nasima Khatoon @ Modiyain Wife of Kapil @ Kapish, Resident of Village- Gad Bahuari, P.S. - Palanwa, Dist- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Adv.
For the Opposite Party/s : Mr. Anil Prasad Singh, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 19-08-2023 Heard learned Counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Motihari Town P.S. Case No. 367 of 2011 dated 10.10.2011, lodged under Sections 419, 420, 467, 468, 471, 120-B, 34 of the Indian Penal Code.

3. As per prosecution case, the F.I.R. has been lodged by virtue of the complaint filed by the complainant/informant. The allegation against the accused persons are that they have taken money and committed breach of trust of the informant.

4. Learned counsel for the petitioners submits that the



informant is the mother and petitioner no.1 is the son of informant who is aged about 60 years at present. He further submits that the said complaint petition was filed in the year 2011, the complainant/informant is now no more. He also submits that on the instigation of sisters of petitioner no.1, the present case has been filed by the informant who is mother of petitioner no.1. Learned counsel submits that in the lifetime, the mother has handed over the entire money to the daughters. He further submits that from the complaint itself, it shall be clear that there is no role of petitioner nos.2 & 3, rather they are only co-villagers. Learned counsel submits that all the petitioners are now aged persons and there is no chance of their absconding.

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

6. In the present facts and circumstances, let the above named petitioners be released on anticipatory bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., East Champaran at Motihari, in connection with Motihari Town P.S. Case No. 367 of 2011, subject to the conditions as laid



down under Section 438(2) of the Cr.P.C.

(Dr. Anshuman, J.)

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