

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61043 of 2022

Arising Out of PS. Case No.-350 Year-2022 Thana- COMPLAINT CASE District- Araria

1. Shamshad Alam @ Samsad, Son Of Alam R/O Village- Paicheli Bhikha Tola, Ward No.09, P.S.- Palasi, District- Araria
2. Alam, Son Of Late Suleman R/O Village- Paicheli Bhikha Tola, Ward No.09, P.S.- Palasi, District- Araria

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Shahnaz, Wife Of Md. Arman R/O Village- Paicheli, Ward No.03, P.S.- Palasi, District- Araria

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Anil Prasad Singh
For the Opposite Party/s :	Mr.Ram Naresh Ray
	Mr. Sanjay Kumar Sharma
	Mr. Kashyap Kaushal

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 24-05-2023 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 420, 120B of the Indian Penal Code.

The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and petitioner no.1 is having a C.S.P. and petitioner no.2 works for petitioner no.1.

The learned counsel for the petitioners submits that informant has a bank account, which is attached to the C.S.P. of the petitioners. It is further submitted that informant had come to



the C.S.P. of the petitioner no.1 for withdrawing an amount of Rs.40,000/- and despite giving a thumb impression on the machine, the same was not materializing, as such, the informant could not withdraw the amount. It is next submitted that after the informant left, all of a sudden, the machine worked and an amount of Rs.40,000/- was withdrawn. It is further submitted that the husband of the informant came and took Rs.40,000/- from the petitioner no.1 and gave receiving in lieu thereof. It is further submitted that thereafter, this false case came to be instituted. It is thus submitted that the husband of the informant after having taken the amount got this false case instituted when petitioner no.1 has receiving of the husband of the informant.

The learned counsel for the informant submits that if the husband of the informant had taken the amount then definitely the informant would not have instituted this case. It is also submitted that petitioner no.1 could not have given the money to the husband of the informant when the same was withdrawn from the account of the informant or the petitioners ought to have informed the informant on her mobile that her husband had taken the amount.

At this stage, the learned counsel for the petitioners submits that they are ready to pay an amount Rs.40,000/- to the informant and they will seek their remedy available in law to recover the amount which was taken by the husband of the



informant in lieu of which receiving was given. It is next submitted that the amount shall be paid to the informant within one month from today, to which learned counsel for the informant agrees to the submission made by the learned counsel for 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, **on or before 28.06.2023 with a certificate that the amount has been credited in the account of the informant**, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of Md. Gulam Rasul, learned J.M. 1st Class, Araria in connection with Complaint Case No.350C of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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