

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63977 of 2022

Arising Out of PS. Case No.-1671 Year-2021 Thana- COMPLAINT CASE District- Araria

1. MD. SOBRATI S/O LATE ROZID Resident of Village- Rahariya Ward No-06, P.S.- Jokihat, District- Araria.
2. BIBI NURSABA W/O MD. SOBRATI Resident of Village- Rahariya Ward No- 06, P.S.- Jokihat, District- Araria.
3. BIBI RUKSHAR D/O MD. SOBRATI Resident of Village- Rahariya Ward No- 06, P.S.- Jokihat, District- Araria.
4. MD. ALIM S/O LATE ROZID Resident of Village- Rahariya Ward No- 06, P.S.- Jokihat, District- Araria.
5. MD. ASHRAF S/O MD. ALIM Resident of Village- Rahariya Ward No- 06, P.S.- Jokihat, District- Araria.
6. MD. TASOBBAR S/O MD. ALIM Resident of Village- Rahariya Ward No-06, P.S.- Jokihat, District- Araria.
7. MD. JAWAD @ MD. JABBAR S/O MD. KAYAMUDDIN Resident of Village- Rahariya Ward No- 06, P.S.- Jokihat, District- Araria.

... .. Petitioners.

Versus

1. The State of Bihar.
2. Bibi Asmerun Praveen, wife of late Md. Munsab, daughter of Md. Safir, resident of village-Chakai, Ward No.5, P.S. Jokihat, District Araria.

... .. Opposite Parties.

Appearance :

For the Petitioners	:	Mr. Mukesh Kumar Rana
For the State	:	Mr. Md. Matloob Rab
For the O.P. No.2	:	Mr. Gopal Kumar Jha

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 24-07-2023 Heard learned counsel for the petitioners and learned A.P.P. for the State assisted by learned counsel for the opposite party no.2.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 323, 147 & 420/34 of the Indian Penal Code.

3. The allegation against the petitioners is that after



the death of the husband of complainant, the petitioners are said to have cheated Rs.5 lacs from the company where the complainant's husband was working and died in an accident.

4. It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to ill motive of the complainant. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. It is further submitted that the son of petitioner no.1, namely, Md. Munsab died in Hyderabad in a factory during the earning of the livelihood and no any amount has been received by these petitioners but the complainant/opposite party no.2 only to put pressure and harass these petitioners filed this false and fabricated case. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

5. Vide order dated 16.05.2023, the opposite party no.2 was directed to bring on record the documents to show that the petitioners have deceived the entire compensation amount but in spite of clear direction counter affidavit has not been filed, although learned counsel for the opposite party no.2 is present before the Court.

6. Having regard to the facts and circumstances of the



case as also the fact that the allegations are general and omnibus in nature, let the above named petitioners, be released on 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.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Complaint Case No.1671C of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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