

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 31121 of 2024

Arising Out of PS. Case No.-442 Year-2023 Thana- MAJHAULIA District- West Champaran

1. FIROJ ALAM S/O SK HASMAT ALI R/O VILLAGE- JAUKATIYA, PS- MAJHAULIYA, DISTT- WEST CHAMPARAN.
2. MD SOHRAB @ SOHRAB ALAM S/O FIROJ ALAM R/O VILLAGE- JAUKATIYA, PS- MAJHAULIYA, DISTT- WEST CHAMPARAN.

... .. Petitioner/s

Versus

1. The State of Bihar
2. HASBUN NESA W/O LATE ARIF R/O VILLAGE- PURANIYA, P.S- MAINTAND, DISTT.- WEST CHAMPARAN.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Sanjeev Kumar, Advocate
For the Opposite Party/s : Mr Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR JUSTICE KHATIM REZA

ORAL ORDER

2 21-05-2024 Heard learned counsel for the petitioners and the learned Additional Public Prosecutor for the State.

2 The petitioners apprehend arrest in connection with Majhauliya PS Case No 442 of 2023 dated 02.06.2023 instituted under Sections 406, 420/34 of the Indian Penal Code.

3 The FIR has been lodged against the petitioners and others alleging that when the informant's husband had died and the insurance money was obtained in the account of informant, petitioner No 1, who is the father-in-law and petitioner No 2, who is the brother-in-law (*Devar*) of the informant, kept the passbook as well as ATM Card of the informant and did not give



to the informant and without her consent, they withdrew all the amounts of Rs 14,99,999/- obtained from the Insurance Company.

4 The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. It is submitted that earlier Complaint Case No 988 of 2023 was filed by the informant in the year, 2023 in which all the family members of petitioner No 1 have been made accused. On 09.11.2023, both the parties have filed a compromise petition before the Court below in connection with Complaint Case No 988 of 2023. In terms of compromise, the said complaint case was dismissed and, thereafter, petitioner No 1 executed a registered deed dated 02.11.2023 and transferred a piece of land in favour of petitioner No 2, his minor son, namely, Seraj Alam and minor son of present informant, namely, Md Amir. Learned counsel for the petitioners further submitted that the present dispute between the parties appears to be a money dispute within the family of the informant and the accused persons. It is submitted that petitioners have not committed any forgery against the informant and there is one criminal antecedent of the petitioners.

5 On the other hand, learned APP for the State and the



learned counsel for the informant have vehemently opposed the prayer for anticipatory bail and have submitted that the money of the informant has been wrongly withdrawn by petitioners No 1 and 2 through the ATM Card and UPI.

6 Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners shall be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, West Champaran at Bettiah in Majhauliya PS Case No 442 of 2023 dated 02.06.2023 subject to the conditions as laid down in Section 438 (2) of the Code of Criminal Procedure, 1973.

7 The application stands allowed.

(Khatim Reza, J)

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