IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B.A. No.7141 of 2024

---

1. Md. Anis Raza
2. Md. Anis Jami @ Khan.

Both sons of Late Tahir Hussain, Village Pagar Kusumbha, P.S. Bishnugarh, District Hazaribagh.
..... Petitioners.

-Versus-

The State of Jharkhand ..... Opp. Party.

CORAM : HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioners : Md. Razaullah Ansari, Advocate
For the State : Mr. Sunil Kr. Dubey, APP

Order No.06 **Date: 04.12.2024**

1. The petitioners are apprehending their arrest in a case registered under Sections 406 and 420 of the Indian Penal Code.

2. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case and have not committed any offence as alleged. It is further submitted that previously the bank account (old A/C No.481310100008271, Bank of India, Nawada Branch, Hazaribagh) was being operated by the then Head Maulvi, namely, Mohammad Tahir Hussain, who died in December, 2012. After his death, a new bank account (A/C No.498610110004546) was opened by the new committee of Madarsa in Bank of India, Nawada Branch, Hazaribagh. New Head Maulvi, namely, Md. Jainul Abedin gave five cheques to Md. Anis Raza (the petitioner no.1) for withdrawal of a sum of Rs.2.25 Lakh from the old account and, accordingly, he withdrew the same. Subsequently, the petitioner no.1 deposited the said amount with interest (total Rs.2.40 Lakh) by way of cash on different dates i.e. on 16th August, 2013, 19th August, 2013, 22nd August, 2013, 2nd September, 2013, 10th September, 2013 and 24th October, 2013, which is evident from Annexure-2 to the present anticipatory bail application. It is also submitted that the petitioner no.1 was the member of old committee of the

Madarsa, but he has not been made member in the new committee. Since the petitioner no.1 has refunded the said amount with interest, no case under Sections 406 and 420 of the Indian Penal Code is made out against him. So far as the petitioner no.2 is concerned, he has been roped in the present case merely due to the reason that he is brother of the petitioner no.1. They, however, undertake to co-operate in ongoing investigation of the case. Hence, they may be given the privilege of anticipatory bail.

3. Learned A.P.P. opposes the petitioners' prayer for anticipatory bail.

4. Having heard learned counsel for the parties, this Court is inclined to enlarge the petitioners, above named, on anticipatory bail. Accordingly, the petitioners, in event of their arrest or surrender before the court below within three weeks from today, shall be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand), each, with two sureties of the like amount, each, to the satisfaction of learned Judicial Magistrate, 1st Class, Hazaribagh, in connection with Bishnugarh P.S. Case no.173 of 2022, subject to the condition as laid down under Section 482(2) of the B.N.S.S., 2023.

(Rajesh Shankar, J.)

Sanjay/