

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53079 of 2024

Arising Out of PS. Case No.-2828 Year-2023 Thana- PATNA COMPLAINT CASE District-
Patna

Afrah Fatma Wife of Late Imran Rizvi R/o- 402, Silwan Heritage ,Mahnood
Sah Lane, Birla Mandir, Bankipur, P.S.- Pirbahore, Dist.- Patna-800001

... .. Petitioner/s

Versus

1. The State of Bihar
2. Iqbal Gani Son of Late Abdul Mannan At Haroon Nagar, Sector-1, P.S.-
Phulwarisharif, Patna

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 54156 of 2024

Arising Out of PS. Case No.-2828 Year-2023 Thana- PATNA COMPLAINT CASE District-
Patna

Syed Saifullah Quadri Son of Md. Ahraf Ali @ Ashraf Ali R/O- 103, Alinoor
Mantion, Haroon Nagar, Sector-1, P.S.- Phulwarisharif, Distt.- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Iqbal Gani Son Of Late Abdul Mannan R/-V- Haroon Nagar, Sector-1, P.S.-
Phulwarisharif, Patna

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 53079 of 2024)

For the Petitioner/s : Mr. Quamar Raza, Adv.

For the Opposite Party/s : Mr. Zainul Abedin, APP

(In CRIMINAL MISCELLANEOUS No. 54156 of 2024)

For the Petitioner/s : Mr. Quamar Raza, Adv.

For the Opposite Party/s : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 07-01-2025 Heard learned counsel for the parties.

2. The petitioners apprehend their arrest in connection with
Complaint Case No. 2828-C of 2023 registered under Sections



406, 420 and 120-B of the Indian Penal Code.

3. As per complaint case, the complainant was in need of purchasing a flat and in connection with this he met the petitioners who were builders and running their business in the name of M/s. Amoor Construction Pvt. Ltd. It is alleged that the complainant negotiated with the husband of Afrah Fatma (petitioner in Cr. Misc. No. 53079 of 2024) namely Sayed Imran Rizvi who assured to hand over the flat within three months on payment of cost, and accordingly the complainant transferred Rs.25,000,00/- to the company through R.T.G.S in the month of July 2021. The total cost of the flat was finalized at Rs.50,000,00/-. The complainant has further alleged that on the instruction of accused persons he again paid Rs.10,000,00/- in cash in the month of August 2021 and an agreement was executed by Sayed Imran Rizvi on 26.9.2021 and at that time the complainant again paid Rs.2,000,00/- in cash. It is further alleged that at the time of agreement Sayed Imran Rizvi, who was the Managing Director of the company introduced the complainant with the petitioners who were the Directors of the company and they were also involved in the deal of the flat. The complainant has further stated that the Director of company Sayed Imran Rizvi died in the month of January 2022, due to



which the registration of flat could not be done in time and the petitioners always evaded the request of the complainant for registration of the flat. Lastly, it is alleged that on 14.3.2023 when the complainant met the petitioners and requested them for his work, they denied to execute the sale deed of flat and also refused to return the money amounting to Rs.37,000,00/- already paid by the complainant.

4. Submission of learned counsel for the petitioners is that petitioners are innocent and have been falsely implicated in this case. There is no specific allegation against the petitioners. The petitioners were in no way concerned with the construction business of late Sayed Imran Rizvi. There is no allegation of entrustment, inducement and cheating against the petitioners. Petitioners have got no criminal antecedent.

5. Learned A.P.P. for the State and learned counsel for the opposite party No. 2 opposed the prayer for bail of the petitioners by contending that petitioners are wife and brother-in-law of late Sayed Imran Rizvi respectively. It is further stated that the complaint petition as well as the statement of witnesses clearly show that after the death of Syed Imran Qadri, petitioners being directors were managing the affairs of the company. The complainant has also filed account statement



showing payment of Rs.25,000,00/- to the company of petitioners for purchase of flat. It is lastly stated that petitioners were managing all the affairs of the company, but they are trying to misappropriate the money of the complainant taking the benefit of death of Syed Imran Qadri. Hence, petitioners do not deserve the privilege of anticipatory bail.

6. Having considered the nature of accusation and gravity of offence as well as the material available on record, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, prayer for bail of the petitioners is rejected.

(Prabhat Kumar Singh, J)

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