

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64110 of 2024

Arising Out of PS. Case No.-756 Year-2022 Thana- COMPLAINT CASE District- Supaul

Md. Akhlakh S/o- Md. Mustakim R/o Village- Balu Tola Ward No. 17, Nagar
Paishad, Police Station-Supaul District- Supaul

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Islam Son of Late Md. Yusuf R/o Village- Balu Tola Ward No. 17,
Nagar Paishad, Police Station-Supaul District- Supaul

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashad, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

5 18-03-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in connection with Complaint Case No. 756 of 2022 for the offence under Section 420 of the I.P.C.

3. As per the prosecution story, the informant has alleged that the petitioner – Md. Akhlakh took away the son of the complainant to Dubai and thereafter from Duabi to Oman. It is further alleged that petitioner has prepared the passport of his son in the year 2015 and other accused persons have taken Rs. 70,000/- from the complainant for making of Visa for a job in Dubai. The accused persons had promised the complainant that



his son will earn Rs. 50,000/- per month in Dubai and fraudulently on 25.02.2022 on tourist visa took away his son to Dubai where the Visa has expired on 22.08.2022 thereafter, the petitioner has prepared a forged document and took the son of the complainant to Oman where he has taken all the salary of Md. Aslam.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence, petitioner has been falsely implicated in this false case and there is general allegation and nothing specific against the petitioner. It is admitted by the complainant that aforesaid amount was given to the petitioner by his choice and thus it is apparent that there was no force nor any fraud was committed. Not a single rupee was given by the complainant to the petitioner. It is stated in the complaint himself that there was no contract between the son of the complainant and the petitioner in Oman. The complaint was filed on 27.08.2022 for occurrence on 20.05.2022 and victim Md. Aslam came to India on 09.12.2022 and cognizance was taken on 17.07.2023 without any cogent reason. Learned counsel further submits that in counter affidavit filed on behalf of opposite party no. 2 on page 7 and 8 shows that on 23 April 2022 the son of complainant Md. Aslam @ Alam entered in



Dubai on 23.04.2022 whereas para 4 of the complaint petition it is alleged that on 25.05.2022 the petitioner took away Md. Aslam at Dubai. The above allegation is contradictory to the facts sworn by complainant.

5. Learned APP opposes the prayer for bail.

6. Keeping in view the aforesaid facts and submissions made on behalf of the learned counsel for the petitioner, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate, First Class, Civil Court, Supaul, in connection with Complaint Case No. 756 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(S. B. Pd. Singh, J)

Ankit Kumar/-

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