

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13867 of 2024

Arising Out of PS. Case No.-328 Year-2018 Thana- MUNGER COMPLAINT CASE
District- Munger

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Dr. Rakir Hussain @ Md. Jakir Hussain @Zakir Hussain Son Of Late Aash
Mohammad Ansari Resident Of Village- Banchhihuli Math Lohiyar, Ps-
Harsidhi, Distt- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Musiruddin Son Of Late Md. Jahiruddin Resident Of Village-
Nayagaon, Ps- Kotwali, Distt- Munger

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Dhurendra Kumar, Advocate Mr. Sumit, Advocate Mr. Sudhanshu Kumar, Advocate
For the Opposite Party/s :		Mr.Anuj Kumar Shrivastava
For the Informant	:	Mr. Surya Narayan, Advocate

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

16 17-04-2025 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Complaint Case no.328C of 2018 registered under Sections
420, 406, 465, 468, 471 and 120B of the Indian Penal Code and
Section 138 of the N.I. Act.

3. As per the complaint petition, the petitioner cheated
Rs. 29,52,000/- from the complainant for opening four
Madarsas which is run by his NGO. Co-accused Imteyaz
Ahmed told himself as coordinator and the petitioner to be the
Founder-cum-Secretary of Aurvedic Medicare and Development



Institute which is a N.G.O registered under the Society Act, 1860.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. From bare perusal of the F.I.R, it would be evident that it was not the petitioner who had gone to contact the complainant, rather the complainant was introduced through co-accused Imtiyaz Ahmed who happens to be the Co-ordinator of the petitioner's society. It has further been submitted that in the year 2017, an inspection was made in the said society in which it was found that the petitioner was running the Madarsa on paper and thus committed Breach of the terms of the agreement. He further submits that a cheque in question had been fraudulently obtained by the complainant through the driver of the petitioner and the petitioner had no knowledge of the same. The petitioner undertakes to cooperate in the case/trial.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State and learned counsel for the informant. Learned counsel for the informant opposes the application of the petitioner mainly on the ground mentioned in the counter affidavit filed by the complainant that the petitioner is accused in five other cases of similar nature and has also



pointed out that in two cases, the bail bonds of the petitioner has been cancelled and the process under Section 82 and 83 of the Cr.P.C. have already been initiated. Annexure- 3 Series has been annexed to the counter affidavit in support of the same. She further submits that in the present case also, process of Section 82 of Cr.P.C has been initiated against the petitioner.

6. Considering the rival contentions of the parties, this Court upon considering the facts and circumstances of the case, is not inclined to grant privilege of anticipatory bail to the petitioner, especially in view of the fact that he has five criminal antecedents of similar nature and in two cases process of Section 82 and 83 have already been issued after cancellation of bail bonds which indicates the conduct of the petitioner and also in the present case process of Section 82 Cr.P.C has already been issued. In such view of the matter, there may be an apprehension of the petitioner fleeing from the course of justice.

7. The present application is thus rejected.

(Soni Shrivastava, J)

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