

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87604 of 2024

Arising Out of PS. Case No.-218 Year-2023 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

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1. Md. Kamal Ansari S/O Late Md. Saiyad Ansari Resident of Village- Brahma Sky Block No. E-803, Kalwat Basti, Pune, Distt.- Pune (Maharashtra).
 2. Md. Ekbal Ansari @ Md. Iqbal Ansari S/O Late Md. Saiyad Ansari Resident of Village- Brahma Sky Block No. E-803, Kalwat Basti, Pune, Distt.- Pune (Maharashtra).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Abdul Rasid S/O Late Abdul Rajaak R/O Mohalla- Purani Munsafi, P.S- Town, Distt.- Aurangabad.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Singh, Adv.
For the Opposite Party/s	:	Mr. Rajendra Prasad Nat, APP
For the Informant	:	Ms. Leelavati Kumari, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 08-05-2025 Heard the learned Advocate for the petitioners, learned Advocate for the informant and the learned APP for the State.

2. The petitioners apprehend their arrest in connection with Complaint Case No. 218 of 2023, registered for the offences punishable under Sections 406, 420, 504 and 506 of the Indian Penal Code, wherein cognizance was taken under Section 420 of the Indian Penal Code.

3. The prosecution case is based on a complaint alleging therein that the petitioners being relative of the complainant/O.P. No. 2 persuaded him to purchase a house from a company of which they are said to be Director and its



associates. On such persuasion, the informant has deposited total Rs. 10 lakhs for the purchase of the house and Rs. 20,000/- for the registration thereof. Notwithstanding the payment of the aforementioned amount, when the house was not transferred in favour of the informant, the present complaint came to be lodged.

4. Learned Advocate for the petitioners taking this Court through the averments made in the complaint has primarily contended that the alleged occurrence to the extent of giving money took place in the year 2016, but the present complaint has been filed in the year 2023, after seven years. It is further contended that the petitioners have no concern with the company, which is named as Hanan Pandit Housing Private Limited. Moreover, they are neither the Director nor the associates of the company. Referring to Annexure-3, which is the statement of summary of accounts running in the name of M/s H P Housing Private Limited, it is contended that all the amounts have been paid in the account of the Company; not a single pie has been credited in the account of the petitioners. It is lastly contended that once the claim of the petitioners for recovery of money is barred under the civil law, the informant has approached the criminal Court by filing a complaint case, in



order to realise the money, which is itself bad in the eyes of law. The petitioners are men of fair antecedent and they undertake that they will fully co-operate in the investigation or in the proceeding of the Court.

5. On the other hand, learned counsel for the State as well as the informant opposed the pre-arrest bail application and submits that the modus operandi of the petitioners is writ large that they have realised the money in the name of a company and usurp the same without handing over the house. There are materials available on record which constitute an offence primarily under Section 420 of the Indian Penal Code.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the amount has been deposited in the account of M/s Hanan Pandit Housing Private Limited and there is no material suggesting that any amount has been credited in the account of the petitioners; moreover, even as per the assertion made in the complaint, the amount was given to the petitioners long back in the year 2016 and the present complaint has been filed in the year 2023, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this



order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) **each** with two sureties of the like amount each to the satisfaction of the learned CJM, Aurangabad in connection with Complaint Case No. 218 of 2023, subject to the conditions laid down in Section 482(2) Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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