

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28950 of 2014

Arising Out of PS.Case No. -127 Year- 2010 Thana -
AURANGABAD COMPLAINT CASE District-
AURANGABAD

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1. Rijwan Yeram @ Rijwan Ahmad son of Sarfaraj Ahmad
Resident of village - Raja Bagicha, P.S. - Rafiganj, District -
Aurangabad.

.... Petitioner

Versus

1. The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Parwej Khan

For the Opposite Party : None

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CORAM: HONOURABLE MR. JUSTICE KISHORE
KUMAR MANDAL
ORAL ORDER

3 23-07-2015 Heard learned counsel for the petitioner. None for the

State.

Apprehending his arrest in connection with
Complaint case no. 127 of 2010, registered under Sections 420
and 406 of the IPC the present application has been filed for
grant of anticipatory bail.

The allegation is that the petitioner and his two other
family members received a sum of Rs. 70,000/-from the
complainant for sale of their land in the year 2003. He kept on

assuring the complainant to sale the same. Finally the petitioner and other co accuseds refused to execute the sale deed and also forcibly re-possessed the land.

Contention of the petitioner is that it is essentially a civil dispute. Though without accepting the allegation contained in the complaint, the petitioner in order to secure the privilege of anticipatory bail, if so direct, may deposit half of the consideration money stated in the complaint.

Considering the aforesaid submission of the petitioner, this Court is inclined to extend the privilege of anticipatory bail to the petitioner. Let the petitioner, named above, in the event of his arrest/surrender before the learned Court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M Aurangabad in connection with Complaint case no. 127 of 2010, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with following conditions:-

- (i) One of the bailors shall be the own/close family member of the petitioner.
- (ii) Along with bail bond, the petitioner shall furnish a demand draft/bank instrument in the sum of



Rs. 35,000/- (Thirty Five Thousand) favouring the complainant and/or receipt showing the deposit of the aforesaid amount with the Nazarat of the Civil Court which the complainant will be entitled to withdraw. The deposit so made shall be without prejudice to the right and defence of the petitioner.

(Kishore Kumar Mandal, J)

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