

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30629 of 2015

Arising Out of PS.Case No. -354 Year- 2014 Thana -JOKIHAT District- ARRARIA

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1. Md. Mumtaj Alam @ Md. Mumtaj Ahmad Son of Late Sekh Nazruddin
2. Tanweer Alam @ Md. Tanweer Alam Son of Ayyat Ahmad Both
resident of village - Kakorha, P.S. Mahalgaon, District - Araria

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha

For the Opposite Party/s : Mr. Ram Chandra Sahni(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 30-07-2015

Heard learned counsel for the petitioners and the State.

The petitioners are apprehending his arrest in a case instituted under Sections 402, 406, 379, 323, 504 and 120(B)/34 of the Indian Penal Code.

The prosecution story, in brief, is that accused no.1 and the complainant are close relative persons. Accused no.1 has proposed to sell his land to the complainant and the complainant has agreed to purchase 3,65,000/- per bigha . After negotiation accused no.1 has received a sum of Rs. 2,10,000/ in cash and other amount by cheque and by cash Rs. 5,00,000/- total Rs. 16,00,000/- earnest money paid by the complainant. Thereafter on several times the complainant has requested to execute the sale deed but petitioner no.1 has denied to execute the sale deed and denied such amount and zerbeyanama and sell to agreement. On 29.9.2014 the complainant and the witnesses went to the resident of the petitioner but the accused persons assaulted the complainant. At the time of occurrence accused no.3 has taken

Rs. 5,000/- from the pocket of complainant. On alarm people came and saved them.

On behalf of the petitioners, it has been submitted that the petitioners have got no criminal antecedent. The matter relates to civil dispute. Title Suit is also pending between the parties, which is evident from Annexure 4 to the present application.

On behalf of the State, it has been submitted that the petitioners are named in the FIR.

Considering the aforesaid facts, let the above named petitioners, in the event of their arrest or surrender in the court below within a period of four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Araria in connection with Jokihat P.S.Case No. 354 of 2014 (G.r.No. 3584/2014), subject to the conditions as laid down u/s 438(2) Cr.P.C.

(Sudhir Singh, J)

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