

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40465 of 2015

Arising out of PS.Case No. -268 Year- 2014 Thana -KAZI MOHAMMADPUR District-
MUZAFFARPUR

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Md. Safique, Son of Late Md. Noor Mohammad, R/o Mohalla - Chak
Abdul Wahid, Majhauilya Road, P.S. - Kazimohammadpur, District -
Muzaffarpur.

.... Petitioner

Versus

1. The State of Bihar.
2. Kamlendu Kumar, Son of Ratneshwar Thakur, R/o Mohalla - Chhata
Chowk, Krishna Sweet, P.S. - Kazimohammadpur, District -Muzaffarpur.

.... Opposite Party

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Appearance :

For the Petitioner : Mr.

For the Opposite Party : Mr.

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CORAM: HONOURABLE MR. JUSTICE V.N. SINHA
ORAL ORDER

2 13-10-2015 Heard learned counsel for the

petitioner and the State.

Petitioner is apprehending his arrest in
connection with a case registered for the offence
under Sections 406/420 of the Penal Code as it is
said that Rs. 4,50,000/- was advanced to him by
the informant for purchasing land worth Rs.
10,00,000/- (ten lacs). Informant is ready to pay
the balance amount yet petitioner is not ready to



execute the sale-deed. It is submitted on behalf of the petitioner that petitioner never entered into any agreement with the informant as his signature over the agreement dated 16.06.2010 annexed with the petition is forged. It appears informant had paid petitioner a sum of Rs. 1,15,000/- by cheque.

Let the petitioner deposit the said amount (Rs. 1,15,000/-) in the court below, thereafter he be released on bail on furnishing bond of Rs. 5,000/- (five thousand) with two sureties of the like amount each to the satisfaction of A.C.J.M., Muzaffarpur in connection with Kazi Mohammadpur P.S. Case No. 268/14, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. The amount deposited by the petitioner may be withdrawn by the informant after furnishing sufficient security and on his undertaking that in case prosecution will fail he will refund the amount. In case informant does not withdraw the amount, same be invested in a Nationalized Bank under a term deposit so that the amount may earn interest and be given to the

party concerned who succeeds in the court below.

Application stands disposed of.

(V.N. Sinha, J)

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