

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46616 of 2016

Arising Out of PS.Case No. -557 Year- 2015 Thana -NAWADA District- NAWADA

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1. Md. Dilsad Ali Khan @ Jumman, S/o Late Md. Saukat Ali Khan.
 2. Md. Shamshad Ali Khan @ Shamshad Ali Khan S/o Late Md. Saukat Ali Khan.
 3. Akhtari Khatoon @ Akhtari Begum W/o Late Md. Saukat Ali Khan.
 4. Md. Aziz Khan @ Md. Azim Khan,
 5. Md. Ali Khan. Both S/o Late Moin Khan.
 6. Md. Haidar Khan, S/o Late Ahmad Ali Khan. All Resident of Mohalla-3/1 Gora Chand Lane, Kalegipatti, Kolkatta-14.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. N.K. Agrawal, Sr. Advocate.
Mr. Dhananjaya Nath Tiwari, Advocate.

For the Opposite Party : Mr. Ramchandra Sahani, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 25-11-2016 Heard both sides.

The petitioners apprehend their arrest in Nawada Nagar P.S. Case No. 557 of 2015 registered for the offences punishable under Sections 406, 420, 506 and 34 of the Indian Penal Code.

The informant alleged that he agreed to purchase a piece of land of Khata No. 137, Plot No. 360, area 3.38 decimals from Akhtari Khatoon @ Akhtari Begum, wife of Late Md. Saukat Ali Khan. The informant alleged that a deed of agreement was executed and he paid Rs. 31,000/- to Md. Dilsad Ali Khan @ Jumman on 31.01.2015. On 23.03.2015, Rs. 1,31,000/- was paid,

thereafter, the informant made payment of Rs. 3,50,000/- and Rs. 75,000/- in the account of Md. Dilsad Ali Khan @ Jumman through RTGS.

Learned counsel for the petitioners submits that the petitioners are ready to return the amount deposited through RTGS within two months to the informant. The dispute is of civil nature.

On the other hand, learned counsel for the informant vehemently opposed the prayer for anticipatory bail of the petitioners and submitted that the entire amount has already been paid to the vendors Akhtari Khatoon @ Akhtari Begum and her son Md. Dilsad Ali Khan @ Jumman.

It appears that dispute arose due to non-execution of sale deed. In pursuance of the deed of agreement, the petitioners are ready to return the money which they received within two months through RTGS.

Considering the facts aforesaid and the fact that the petitioners are ready to return Rs. 4,25,000/- within two months, the petitioners above named, 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, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each

to the satisfaction of the Chief Judicial Magistrate, Nawada in Nawada Nagar P.S. Case No. 557 of 2015, Subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure and if the petitioners fails to return Rs. 4,25,000/- to the informant within two months, the court below shall cancel the bail bonds of the petitioners forthwith.

(Prabhat Kumar Jha, J.)

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