

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46860 of 2015

Arising Out of PS.Case No. -468 Year- 2015 Thana -SAHARSA District- SAHARSA

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Md. Alam, son of Md. Sakil, Resident of village- Gautam Nagar, P.S.-
Saharsa, District- Saharsa.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

2 27-01-2016 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with

Saharsa Sadar P.S. Case No.468 of 2015 registered under Sections

406 and 420/34 of the Indian Penal Code.

The accusation is that the petitioner alongwith his father

Md. Safique, wife Bibi Mehroom and one Ashok Sah negotiated

to sell three kathas of land with the informant Md. Jamal and the

consideration amount was fixed as Rs.27,00,000/-, out of which

the informant paid Rs.3,00,000/- as an advance at the time of

execution of the agreement. Thereafter, Rs.10,000/- was paid by

the informant on 20.08.2014 to the wife of the petitioner and

Rs.10,000/-- was paid by the informant to the co-accused Ashok Sah on 23.08.2014 but in spite of repeated requests, the petitioner did not become ready to execute the sale deed in favour of the informant and also did not return the money to the informant.

Learned counsel appearing on behalf of the petitioner submits that, in fact, there was agreement between the petitioner and the informant to execute the sale deed on payment of consideration Rs.27,00,000/- but only Rs.1,00,000/- was paid by the informant to the petitioner as an advance. The informant also disobeyed the terms and conditions of the agreement and, accordingly, Rs.1,00,000/- was handed over to the informant by the petitioner and the informant also put his signature on the stamp paper regarding receiving the said amount, which would appear from Annexure-‘2’ to the application. Moreover, the dispute appears to be civil in nature.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender within four weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Saharsa, in connection with Saharsa Sadar P.S. Case No.468 of 2015, subject to the conditions laid down

under Section 438(2) Cr. P.C.

(Rajendra Kumar Mishra, J)

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