

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33240 of 2016

Arising Out of PS.Case No. -2 Year- 2016 Thana -SC SC PS District- VAISHALI(HAJIPUR)

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1. MD. GOOLAB ANSARI @ GOOLAB ANSARI Son of Md. Multan
Ansari Resident of Village- Chhoti Marai P.S. Hajipur Town, District-
Vaishali

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Javed Aslam, Advocate

For the Opposite Party/s : Mr. Sri Ashok Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

2 16-08-2016 Heard learned counsel for the petitioner as well as

learned APP for the State assisted by learned counsel for the

informant.

Though in the recital of the written report, petitioner's
name has been mentioned as Md. Gulab Ansari but in the format
of FIR his name is shown as Md. Gulam Ansari, whereupon,
learned counsel for the petitioner has submitted that he happens to
be Goolab Ansari. He surrendered before the learned lower court
as Goolab Ansari, he made prayer before the learned lower court
as Goolab Ansari, on account thereof, he be treated as Md. Goolab
Ansari.

At an earlier occasion, there was negotiation for sale of
land and on account thereof, petitioner had received Rs.7,40,000/-.
He neither executed the sale-deed nor returned the amount



and for that, informant began to insist upon. Petitioner had issued two cheques on 18.09.2005 for Rs. 5,00,00,0/- (Five Lacs) which was dishonoured. Furthermore, it has been alleged that when persistent demand was made, petitioner abused the informant by calling him with his caste name. Then thereafter, he informed the police and at the instigation of police, petitioner had paid Rs. 88,000/- on 20.11.2015. Since thereafter, petitioner is adopting dilly-delaying tactics.

Learned counsel for the petitioner submits that he is ready to pay back the remaining amount in ten instalments.

Learned counsel appearing for the informant submits that he has got grievance only with regard to misappropriation of the amount which the petitioner knowingly and intentionally indulged himself in such a nefarious activity.

Considering the rival submissions, petitioner, Md. Goolab Ansari @ Goolab Ansari is directed to be released on provisional bail for a period of six months on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur SC/ST PS Case No. 02/2016, subject to the condition the petitioner will pay the remaining amount of Rs. 7,40,000/- (Seven Lacs and Forty Thousand) minus Rs. 88,000/-

(Eighty eight thousand) within the period of six months. In case the aforesaid amount is deposited, then in that event, the learned lower court will confirm the prayer for bail, otherwise, the provisional bail of the petitioner will be deemed to be evaporated.

(Aditya Kumar Trivedi, J)

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