

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46352 of 2016

Arising Out of PS.Case No. -37 Year- 2016 Thana -COMPLAINT CASE District- SUPAUL

- =====
1. Abdul Quddus @ Abul Quddus, Son of Late Abdul Gafoor
 2. Tanweer @ Tanweer Alam, Son of Abdul Quddus, Resident of Birpur, Ward No. 7, Police Station & District – Supaul.

.... Petitioner/s

Versus

1. The State of Bihar
2. Nuri Begum, Wife of Md. Shamsuddin, Resident of Mohalla – Gardanibag, P.S. – Gardanibag, District – Patna, at present residing at Birpur, Ward No. 12, Quarter No. T.F. 19 Workman Colony , P.S. Birpur, District – Supaul.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun

For the Opposite Party/s : Mr. Sri Matloob Rab

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 22-10-2016

Heard learned counsels for the petitioners

and the State.

The petitioners are apprehending their arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Section 406 of the Indian Penal Code.

The prosecution case is that the petitioners agreed to sell 15 dhurs of land appertaining to Khata No. 109, Plot No. 1435 situated in Mouza Birpur in favour of the complainant and received Rs.30,000/- in presence of the witnesses on 29.06.2003 and prepared an agreement to sell on

non-judicial stamp, but in spite of repeated request neither the sale deed was executed nor the money was returned.

It is submitted by learned counsel for the petitioners that for the alleged agreement to sell in 2003 the complaint was filed in 2016 and admittedly the agreement to sell was not registered and there is no proof with regard to the payment.

A statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent.

Considering the aforesaid facts, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Birpur, Supaul in connection with Complaint Case No. 37C of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

DKS/-

(Dinesh Kumar Singh, J)

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