

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47908 of 2017

Arising Out of PS.Case No. -228 Year- 2016 Thana -BARAULI District- GOPALGANJ

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Shad Ali @ Shad Ali Khan @ Manshad Ali @ Mama Son of Late
Hasruddin Khan , R/o Village- Baghra, P.S.- Muffasil, District- Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lakshmi Kant Sharma

For the Opposite Party/s : Mr. Uday Chand Prasad

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

4 20-12-2017 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with Barouli
P.S. Case No. 228 of 2016 registered under Section 306/34 of the
Indian Penal Code.

The petitioner along with another accused and the
father of the informant were doing the business of construction
work at Kolkata and in the course of said business, the petitioner
and the said accused had taken Rs. 18,50,000/- from the
informant's father but they did not pay back the same despite
making several request by his father and consequently his father
committed suicide.

It is submitted by learned counsel for the petitioner



that the petitioner has no concern with the aforesaid occurrence. The allegation levelled against the petitioner is not specific rather omnibus. There is no evidence of taking money by the petitioner from the deceased. As a matter of fact, the deceased had agreed to vend out his land in favour of the petitioner and had taken sale consideration of Rs. 3,02,000/- and other expenses from him to execute the sale deed in favour of the petitioner but malafidely and with ulterior motive did not get the same registered by presenting him before Sub-Registrar despite executing the same. The signature of the deceased on the said sale deed was examined by handwriting experts and it was found matching with that of the admitted signature of the deceased. It is further submitted that if the petitioner had taken the aforesaid money from the deceased then while receiving the aforesaid sale consideration why he had executed the aforesaid document in favour of the deceased instead grabbing the same towards adjustment of the money given by him as loan. Moreover, the deceased has not filed any suit for recovery of the aforesaid money from the petitioner. It is further submitted that the informant had filed this false and frivolous case against the petitioner in order to grab his aforesaid money which has been taken by the deceased. The petitioner has been languishing in custody since 28.08.2017.



In the facts and circumstances of the case, the above named petitioner is 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 learned Additional Chief Judicial Magistrate-XIV, Gopalganj in connection with Barouli P.S. Case No. 228 of 2016.

(Prakash Chandra Jaiswal, J)

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