

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53467 of 2017

Arising Out of PS.Case No. -252 Year- 2017 Thana -KOTWALI District- MUNGER

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Khurshid Girami Son of Late Ghula Moinuddin, resident of mohalla-
Topkhana Bazar, P.S.- Kotwali, District- Munger. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

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Appearance :

For the Petitioner/s : Sushmita Mishra, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL ORDER

2 13-11-2017 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner apprehends arrest in connection with
Kotwali Police Station Case No. 252 of 2017 registered for the
offences punishable under sections 420, 406, 467, 468 and 471 of
the Indian Penal Code.

It appears that this petitioner executed deed of power
of attorney in favour of the informant of this case Md. Yakub and
one Abdul Rashid for looking after his landed property measuring
1 acre 74.3 decimal, i.e. 2 bigha, 15 katha and 10 dhur situated at
Munger district. Subsequently, the petitioner cancelled the power
of attorney and filed a Complaint Case No.696 of 2017 on
01.07.2017 against them for the offences under sections 341, 323,
504, 419, 420, 467, 468, 427 and 324 of the Indian Penal Code.

Learned counsel for the petitioner submits that after



filing of the complaint case, the present informant manufactured a forged and fabricated document and lodged the First Informant Report on 18.07.2017. The petitioner never executed any deed of agreement agreeing therein to transfer his property for a consideration amount of Rs.50 lacs. The petitioner neither received any consideration money nor executed any agreement. The dispute between the parties is purely a civil dispute and the informant has remedy to get relief by filing a suit for specific performance of contract. The allegation of cheating and committing breach of trust is omnibus.

Considering the nature of allegation, facts and circumstances of the case, as stated above, the prayer of anticipatory bail is allowed and the above named petitioner, in the event of arrest or surrender before the court below within a period of six weeks, be released 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 Chief Judicial Magistrate, Munger in connection with Kotwali Police Station Case No. 252 of 2017, subject to the condition as laid down under section 438 (2) of the Criminal Procedure Code.

(Sanjay Kumar, J)

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