

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54607 of 2017

Arising Out of PS.Case No. -62 Year- 2016 Thana -GAYA COMPLAINT CASE District- GAYA

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Alexander Khan, son of late Shamsher Ali Khan, r/o village Khaira, P.S.
Bankey Bazar, Distt. Gaya.

.... Petitioner/s

Versus

1. The State of Bihar
2. Mazda Khatoon, wife of Hamid Khan, r/o village Bankey Bazar, P.S.
Bankey Bazar, Distt. Gaya.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amarendra Kumar Mishra

For the Opposite Party/s : Dr. Rabindra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 15-11-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Complaint Case No. 62 of 2016** instituted for the offence under Sections 420 and 506 of the Indian Penal Code.

In the complaint petition it is alleged that remaining amount of Rs.56,000/- was paid to this petitioner by the complainant but he refused to execute the sale deed. There is no any supporting document except the vague allegation of making payment of aforesaid amount to the petitioner.

Learned counsel for the petitioner has submitted that there was no agreement between the complainant and this petitioner. Counsel for the petitioner has referred Annexure-2 which is unregistered agreement entered into between Md. Tarik Khan (brother of this petitioner) and Md. Hamid Khan (husband of the complainant). It has



further been submitted that petitioner is brother of Tarik Khan and he has been falsely implicated in the instant case just to harass him.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with **Complaint Case No. 62 of 2016**, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of **Shri G.N. Dubey, learned Judicial Magistrate, Sherghati, Distt. Gaya**, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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