

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.1851 of 2017

Arising Out of PS.Case No. -47 Year- 2016 Thana -TEDHAGACHH District- KISANGANJ

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Hafizuddin, Son of Behbood @ Behbood Hussain, Resident of Village-
Matiari, P.S.- Terhagachh, District- Kishanganj..... Petitioner

Versus

The State of Bihar. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sarangdhar Jha

For the Opposite Party/s : Mr. Sri Amrendra Prasad

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 19-01-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Terhagachh P.S.
Case No. 47 of 2016 registered for the offences punishable under
Sections 406 and 419 of the Indian Penal Code.

Allegedly, Matiyari Ghat was settled with the petitioner on
highest bid of Rs. 7,65,000/- but the petitioner deposited only Rs.
2,30,000/- and demanded time to deposit rest bid amount and assured
that if he will not deposit the rest amount till 30.04.2016 his earnest
money will be forfeited and he will be liable for legal action. In spite of
this the petitioner did not deposit and then vide order of District
Collector, Kishanganj the amount of Rs. 3,60,000/- was forfeited and
the FIR was lodged, resulting the petitioner is suffering in custody since
29.11.2016.

Submission is of false implication and that no criminal
liability is made out, Rs. 3,60,000/- has already been forfeited and



Mtiyari Ghat has been resettled with another person, the petitioner had taken time to deposit the rest amount but the amount was forfeited and Ghat was settled with another person. The petitioner fell ill and was under treatment of Doctor, the petitioner was always ready to make the payment but his illness created hindrance in his movement.

Learned APP opposes the prayer of bail.

In the facts and circumstances stated above, considering the nature of dispute and further period of detention, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri K. K. Chowdhary, J. M. Ist Class, Kishanganj in connection with Terhagachh P.S. Case No. 47 of 2016, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

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(Jitendra Mohan Sharma, J)

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