

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32144 of 2017

Arising Out of PS.Case No. -195 Year- 2017 Thana -KISHANGANJ District- KISANGANJ

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Md. Jamil Akhtar @ Md. Jamil @ Md. Zamil Akhar, Son of Late Nizamuddin, Resident of Village- Belwa, Police Station and District- Kishanganj.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Asif Raza @ Dr. Asif Raza son of Sabib Salim R/o Churipatti College Road, P.S. and District-Kishanganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Rashid Alam

For the Opposite Party/s : Mr. Sri Sanjay Kumar Tiwary 1

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 18-09-2017 Heard learned counsel for the petitioner and learned counsel for the opposite party no. 2 and learned APP for the State.

Petitioner is languishing in judicial custody since 29.04.2017 in connection with Kishanganj P.S. Case No. 195 of 2017 for offences punishable under Sections 341, 504, 506 and 406 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that the petitioner agreed to sell a piece and parcel of land for Rs. 17,00,000/- for which advance Beyana of Rs. 14,50,000/- was given but the land was not transferred in his name. Thereafter



when the informant asked for refund of his money the petitioner gave threatening.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and the same plot of land was bought by the informant's wife on 01.03.2016 and Beyana agreement is alleged to have been made between informant and petitioner subsequently i.e. on 18.03.2016. He submits that for the same plot there could not be two sale deeds and the matter is purely of a civil nature but a false case has been lodge against the petitioner. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

On the other hand, learned counsel for the opposite party no. 2 submits that the petitioner had taken Beyana of the aforesaid plot from Khurshida Parvin and the plot appertaining to the sale deed dated 01.03.2016 and Beyana agreement dated 18.03.2016 are different and not the same plot.

Be that as it may, let petitioner, above named, 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 learned Chief Judicial Magistrate, Kishanganj, District-Kishanganj in connection with Kishanganj P.S. Case No. 195 of 2017, subject



to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(Nilu Agrawal, J)

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