

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27828 of 2017

Arising Out of PS.Case No. -1859 Year- 2016 Thana -SAMASTIPUR COMPLAINT CASE
District- SAMASTIPUR

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1. Firoz Khan Son of Kamruddin Khan Resident of Village- Govindpur
Khajuri, P.S.- Kalyanpur, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Irfan Khan Son of Abdul Rashid Khan Resident of Sadar Bazar khan
Manjil under Town Samastipur, Ward No., 22, P.S. Town, District-
Samastipur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Sinha
For the Opposite Party/s : Mr. Sri Ashok Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

3 01-09-2017 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Kotwali Police Station Case No. 553 of 2013, disclosing
offences under Sections 147, 148, 149, 323, 341, 307, 342, 325,
323, 353, 452 of the Indian Penal Code.

Learned Counsel for the petitioner has submitted the
petitioner, who is of clean antecedent, is innocent and has not
committed any offence. In fact, there is dispute between the
parties with respect to a piece of land which is said to have been
sold and a sale deed was executed by the complainant in favour



of the petitioner after taking the consideration amount which is evident from the sale deed at annexure-2. Now the petitioner has falsely been implicated in this case. Moreover, the dispute appears to be civil in nature. Hence, the petitioner deserves the privilege of anticipatory bail.

Learned counsel for the opposite party has vehemently opposed the prayer for bail and submitted that admittedly the sale deed was executed in favour of the petitioner but except Rs. 2,50,000/- entire consideration amount has not been paid. Moreover, three cheques given by the petitioner against payment of rest of the consideration were dishonored, which is evident from the impugned order.

Considering the facts and circumstances of the case, this Court is not inclined to grant the privilege of anticipatory bail to the petitioner. Accordingly, the prayer for anticipatory bail of this petitioner is rejected.

(Arvind Srivastava, J)

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