

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53468 of 2017

Arising Out of PS.Case No. -345 Year- 2017 Thana -MUZAFFARPUR SADAR District-
MUZAFFARPUR

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Tanveer Rizvi son of Sayed Hasan Iman Rizvi @ Hasan Imam Rizvi,
resident of village – Chainpur, PS-Kanti, District-Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Satya Nand Shukla, 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
Sadar Police Station Case No. 345 of 2017 registered for the
offences punishable under sections 467, 468 and 420 of the Indian
Penal Code.

The informant filed a written report with the S.H.O of
Sadar Police Station alleging therein that he entered into an
agreement with this petitioner for purchasing a land measuring 16
decimal. In pursuance of contract, he gave an amount of
Rs.5,50,001/- as earnest money as per three cheques and this
petitioner executed a receipt on stamp paper agreeing therein to
transfer the said land. The petitioner in spite of repeated demand,
did not execute the sale deed and thereby cheated the informant



and also committed breach of trust.

The learned counsel for the petitioner submits that there was no agreement for transferring any land in favour of the informant. There is no chit of paper to support this fact. The petitioner and the informant were partners engaged in sale and purchase of land and in that connection some money was received by the petitioner. The dispute between the parties is purely a civil dispute and the informant has right to get the agreement enforced by filing civil suit. The allegation of cheating, committing breach of trust and forgery is omnibus and no offence is made out against the petitioner and so he deserves anticipatory bail.

The learned Additional Public Prosecutor on the other hand, opposed the submission.

Considering the nature of allegation, facts and circumstances of the case, the prayer of anticipatory bail is allowed and the petitioner, above named, 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, Muzaffarpur in connection with Sadar Police Station Case No. 345 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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