

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.58655 of 2018

Arising Out of Complaint Case No.-2879 Year-2017 Thana- MUZFFARPUR COMPLAINT
CASE District- Muzaffarpur

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1. Md. Naushad @ Md. Naushad Ansari, S/o Qaiyum Ansari,
2. Md. Shahnawaz S/o Abdul Hakeem,
Both resident of village- Pakri Pakohi, P.S.- Karja, District-
Muzaffarpur.

... .. Petitioners

Versus

1. The State of Bihar.
2. Mohammad Nasim S/o Mohammad Ali, resident of village- Sadpura Bankars
Colony, P.S.- Kazi Mohammadpur, District- Muzaffarpur.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Md. Abdul Manan Khan, Adv.
Mr. Binay Kumar, Adv.
For the Opposite Party/s : Mr. Yogendra Kumar, A.P.P.
Mr. Shiv Kumar Prasad, Adv.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 20-09-2018 Heard Md. Abdul Manan Khan, learned counsel,

assisted by Sri Binay Kumar, learned counsel for the petitioners,

Sri Yogendra Kumar, learned Add. Public Prosecutor as well as

Sri Shiv Kumar Prasad, learned counsel, who informs that only

today in the Registry, he has filed Vakalatnama on behalf of the

complainant.

Two petitioners, apprehending their arrest in
Complaint Case No. 2879 of 2017 registered for offence under
Sections 420, 467 of the Indian Penal Code, have prayed for
grant of bail, in the event of their arrest or surrender.

Learned counsel for the petitioners, by way of
referring to the complaint petition, submits that fact disclosed in



the complaint petition itself indicates that in a case relating to civil dispute, color of criminal offence has been given.

Learned counsel for the complainant has vehemently opposed the prayer for grant of anticipatory bail. He submits that despite the fact that the petitioners have executed the deed of agreement to sale, petitioners are neither executing final sale deed nor they are refunding the advance amount.

In view of facts and circumstances, I am of the opinion that it is a fit case for grant of anticipatory bail. Accordingly, in the event of their arrest or surrender within a period of six weeks from today, let both the aforesaid petitioners, namely, Md. Naushad @ Md. Naushad Ansari and Md. Shahnawaz be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur, in connection with Complaint Case No. 2879 of 2017, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Rakesh Kumar, J.)

nawalkrs/-

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