

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.69568 of 2018

Arising Out of PS. Case No.-162 Year-2018 Thana- TEGHRHA District- Begusarai

Md. Nasrullah Son of late Syed Maulan Kutub Islam Resident of
Village/Mohalla- Teghra, Daniyalpur, P.S. Teghra, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Chandra

For the Opposite Party/s : Mr. Sri Abhay Kumar - 1

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 17-12-2018 A Vakalatnama has been filed on behalf of the informant, which is taken on record.

Heard learned counsel for the parties.

This application for anticipatory bail arises out of Teghra P.S. Case No. 162 of 2018, disclosing offences under Sections 406, 420, 467, 468, 471, 504, 341, 323, and 120B of the Indian Penal Code.

Based on the allegation that the informant had paid a sum of Rs. 12 lakhs to the co-accused Md. Hasnain and the petitioner Md. Nasrullah, whereafter an agreement to sell was executed in respect of a piece of land, which was subsequently transferred by the accused persons in favour of the third person, the present FIR has been registered.



Learned counsel, appearing on behalf of the petitioner, has submitted that no such agreement to sell was ever executed by the accused persons and, in any event, what has been alleged in the FIR can constitute a civil dispute. He contends that filing of the criminal case is an abuse of the process of the court.

Learned counsel, appearing on behalf of the informant, has opposed the prayer for anticipatory bail and has submitted that the said amount of Rs. 12 lakhs was paid to the accused persons in phases in cash and the accused persons have duped the informant by refusing to execute the sale deed in his favour and executing the sale deed and thus transferring the said piece of land in favour of a third person.

Be that as it may, I am convinced with the submissions made on behalf of the petitioner that the allegation made in the FIR primarily constitutes a dispute of civil nature.

In view of aforesaid, this application is allowed. Let the petitioner, above named, in the event of his arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai in Teghra P.S. Case



No. 162 of 2019 subject to the conditions as laid down under
Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall
present himself before the Police/Court, as the case may be, as
and when required and in the event of failure on his part to
appear before the Court on two consecutive occasions, his bail
bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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