

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.69776 of 2018

Arising Out of PS. Case No.-53 Year-2017 Thana- BHOJPUR COMPLAINT CASE District-
Bhojpur

=====

Rajni Mishra @ Rajni Mishra Devi @ Rajni Devi, Wife of Late Prince Kumar, Resident of Village-Bagen Gola, P.S. Bagen Gola, Distt.Buxar at present Resident of Village-Charpokhari, P.S.-Charpokhari, Distt.-Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Sagir Ahmad, Son of Late Md. Mugal Raieem, Resident of Village-Jagdishpur, Ward No.14, P.S. Jageshpur, Distt.-Bhojpur

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh
For the Opposite Party/s : Mr. S. Ehteshamuddin

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-12-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 420, 406, and 120 B of the Indian Penal Code.

The prosecution case as per the complaint petition is that the complainant had a talk with Firoj Mansuri for purchase of four kathas of land of the petitioner for the consideration amount of Rs.5,80,000/-, and the complainant paid Rs. 1,00,000/- as advance to Firoj Mansuri. Subsequently, on 22.04.2016, Rs. 1,50,000/- and on 04.06.2016, Rs. 3,00,000/-



were paid to Firoj Mansuri. It is further alleged that total consideration amount of Rs. 4,50,000/- was paid to the petitioner through Firoj Mansuri but ultimately, the sale deed was not executed by the petitioner being the owner of the land.

It is submitted by learned counsel for the petitioner that admittedly there is no agreement between the petitioner and the complainant to execute the sale deed of the land in question. The petitioner entered into an agreement with Firoj Mansuri for executing the sale deed, which was subsequently executed and there was no such deal of executing the sale deed of the said land in favour of the complainant. There is no proof with regard to payment made to Firoj Mansuri, with whom the complainant had a talk and paid a part of the money and said Firoj Mansuri has been granted regular bail by a co-ordinate Bench of this Court vide Cr. Misc. No. 45178 of 2018. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned counsel for the complainant that a partial amount of the money was given to the petitioner, though he admits that he has no agreement with the petitioner with regard to the said land.

Considering the fact that the complainant has not



entered into the agreement with the petitioner, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned **A.C.J.M. XI, Bhojpur at Ara** in connection with **Complaint Case No. 53C of 2017**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

U		T	
---	--	---	--

