

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.72901 of 2018

Arising Out of PS. Case No.-1461 Year-2014 Thana- GAYA COMPLAINT CASE District-
Gaya

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Dr. Shamim Ahmad Khan @ Shamim Ahmad, Son of Late gulam Mustaba Khan alias Late Gulam Mushtapha Khan, resident of village Kanchanpur (Agathu) Police Station Belaganj, District Gaya, At present residing at Kalpana Guest House Compound, Near Civil Court police Station Civil Lines, District-Gaya.

... .. Petitioner/s

Versus

1. State Of Bihar

2. Sabista Yasmin, wife of Md. Javed Ahmad, resident of village Peerbigha, Police Station, Belaganj, District-Gaya.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar

For the Opposite Party/s : Mr. Sri Anuj Kumar Srivastava

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 18-12-2018

Heard the learned counsel for the parties.

This application for anticipatory bail arises out of Complaint Case No.1461 of 2014, disclosing offences under Sections 406,420,463 and 467 of the Indian Penal Code.

The allegation is that the petitioner had taken from the complainant a sum of Rs.2,00,000/- as advance money for transfer of a piece of land through registered sale-deed, in the year 2010. He subsequently said to have paid rest of the amount also. The allegation is that the petitioner executed a sale deed in favour of some other person and has, thus, cheated the complainant by committing fraud.



Learned counsel appearing on behalf of the petitioner submits that it is a civil dispute which has been given a criminal tinge colour. He submits that the complaint case has been filed in the year 2014, i.e. four years after the alleged date of occurrence and, therefore, he also deserves for grant of anticipatory bail.

Considering the above submission, 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, Gaya in Complaint Case No.1461 of 2014, 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 bonds shall be liable to be cancelled.

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(Chakradhari Sharan Singh, J)

