

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.65417 of 2018

Arising Out of PS. Case No.-98 Year-2016 Thana- SIKTA District- West Champaran

MD. NURULLAH @ NURULLAH Son of Sheikh Julum Resident of
Village-Jhumka, Police Station Sikta, Distt.-West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra

For the Opposite Party/s : Mr. Sanjay Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-12-2018 Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 420, 406 and 468 of the IPC.

The prosecution case is that the informant Imroz Alam purchased a tractor from the petitioner for consideration amount of Rs.4,55,000/-. Subsequently, the petitioner signed the sale letter in respect of the said tractor but subsequently, the informant came to know that the signature of the petitioner in the sale letter does not match with that of the DTO records and the petitioner has fraudulently sold the tractor in question.

It is submitted by learned counsel for the petitioner that the petitioner never sold his tractor. Moreover, the accusation was not found true after conclusion of investigation though after



differing with the final form, cognizance has been taken. It is further submitted that the petitioner lodged Sikta P.S. Case No. 99 of 2016 against the informant and others making accusation under Sections 406,420,504 and 506/34 of the IPC.

Learned counsel for the informant submits that the petitioner has not been sent up for trial due to misconceived investigation by the investigating agency as the forgery made by the petitioner is apparent on record since the signature did not tally with that made in DTO records.

Considering the rival submissions of the parties, keeping in view the fact that on conclusion of investigation the petitioner has not been sent up for trial, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned JM Ist Class, Bettiah, in connection with Sikta P.S. Case No.98 of 2016 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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