

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48828 of 2018

Arising Out of PS. Case No.-148 Year-2018 Thana- SUGAULI District- East Champaran

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1. Md. Taiyab, S/o Md. Tasrif
 2. Md. Tasrif, S/o Late Noor Mohammad
- Both R/o Nimui Pavariya Tola, P.S.- Sugauli, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Ash Mohammad Ansari, S/o Md. Nafiz Ansari, r/o Sugauli Tola
Godown Ward No. 12, P.S. Sugauli, Distt. East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Patanjali Rishi, Advocate
For the Opposite Party/s : Mr. Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 12-12-2018 Heard learned counsel for the petitioners and learned
counsel appearing on behalf of the State.

The petitioners are apprehending arrest in
connection with Sugauli P.S. Case No. 148 of 2018 for offences
under Sections 406 and 420 of the Indian Penal Code.

Counsel for the petitioners would submit that
the petitioners have no criminal antecedent. In connection with
sale of a piece of land an agreement was entered into between
the petitioners the informant and the petitioners received money
in terms of the agreement and if the informant is not inclined to
continue with the agreement, he has remedy under the Specific
Relief Act but instead of invoking that jurisdiction the informant



has filed the present criminal case as a pressure tactics.

Considering the facts that the agreement is still subsisting for which the informant has made payment and if the informant is not satisfied with the terms and conditions of the agreement and is not willing to purchase the land, he has remedy under the law.

In view of the above the Court is inclined to grant anticipatory bail to the petitioners. Let the petitioners, above named, in the event of arrest or surrender within four weeks from today, be released 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 the Chief Judicial Magistrate, East Champaran in connection with Sugauli P.S. Case No. 148 of 2018, subject to the conditions as laid down under Section 438(2) Cr. P. C.

(Anil Kumar Upadhyay, J)

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