

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26669 of 2018

Arising Out of PS.Case No. -177 Year- 2017 Thana -KATIHAR MUFFASIL District- KATIHAR

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Afroz Ahmad Ansari S/o Late Zafar Ahmad, Resident of Mohalla-
Kulipara, P.S.-Sadar, District-Katihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lilawati Singh, Advocate

For the Opposite Party/s : Mr. Sri Ram Sumiran Roy

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

6 18-07-2018 Heard learned counsel for the petitioner and learned
counsel for the State as well as informant.

The petitioner seeks anticipatory bail in a case instituted
for the offences under Sections 406, 420, 120(B)/34 of the
Indian Penal Code.

As per First Information Report, allegation has been made
that informant had paid Rs. 14,00,000/- for the purposes of
purchasing a piece of land, sale deed was executed. When
informant went to the site it was found that the same land was
under sealing area and already distributed to landless person
whereafter he started demanding to return the money but only
the payment of Rs. 6,00,000/- has been made and Rs. 8,00,000/-
is still pending against accused persons.



Learned counsel for the petitioner submits that admittedly only Rs. 14,00,000/- was paid for the purpose of purchasing a piece of land.

From the averment made in the First Information Report it reflects that Rs. 6,00,000/- has already been received by the informant and whereas Rs. 8,00,000/- is concerned, is also to be treated to have been paid which is apparently clear from two orders contains in A.B.P. No. 412 of 2018 (Md. Mustafa Vs. The State of Bihar) and Bail Application No. 39 of 2018 (Md. Islam Vs. The State of Bihar) (annexure A, B, respectively).

The informant himself appeared before this Court and has made affirmative statement for acceptance of Rs. 6,00,000/-. He has not received any payment thereafter. Still Rs. 8,00,000/- is pending against accused persons.

It is very difficult for this Court to verify the factual dispute. If already the payment has been made of Rs. 14,00,000/- further payment does not arise but if the statement of the informant is correct, in such circumstances, petitioner will be obliged to see that entire amount of Rs. 8,00,000/- be paid to him.

In such view of the matter, this Court directs the Chief Judicial Magistrate, Katihar to call both sides and to hold an



enquiry about actual payment made to the informant.

If it is found that all payment has been made to the informant than his anticipatory bail will be confirmed but if otherwise, in such circumstances, grant of anticipatory bail will be treated to have been withdrawn, the petitioner will have to surrender before the court below, would make prayer for regular bail.

In the meantime, in the event of arrest or surrender within four weeks from today, let petitioner, namely, Afroz Ahmad Ansari, be released on provisional anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Katihar in connection with Mufasil P.S. Case No. 177 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure. It is made clear that one of the bailers shall be close relatives i.e. mother, father, wife or son.

(Shivaji Pandey, J)

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