

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26269 of 2018

Arising Out of PS.Case No. -364 Year- 2017 Thana -PURNIA COMPLAINT CASE District-
PURNIA

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1. MD. IZRAIL @ MD. ISRAIL, son of Haji Maseluddin, resident of
Village- Akhtiyarpur, P.S.- Sarsi, District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mahtab Alam, son of Md. Muslim, resident of Village- Akhtiyarpur, P.S.-
Sarsi, District- Purnea.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Bidhu Ranjan

For the Opposite Party/s : Mr. Sri Navin Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 05-07-2018 Heard the parties.

The petitioner is apprehending his arrest in connection with
Complaint Case No.364 of 2017 , registered for offences
punishable under Sections 420 of the Indian Penal Code.

Allegation against the petitioner as per FIR is that on the
oral agreement reached between the O.P. no.2 and Md. Shamim
for sale of a piece of land measuring 37 decimal of land on
Rs.5,76,000/- but the sale deed was not executed and now the
money is not being returned.

Submission of the learned counsel for the petitioner is that
agreement was made with Md. Shamim and not with Md. Izrail,
moreover they have failed thrice in registration of the sale deed
and on the one pretext or the other the registry was not made and
the total amount of consideration money has not been paid, as



such the registry could not be executed.

Heard learned A.P.P. and the learned counsel for the complainant. They have opposed the prayer for bail on the ground that the total amount has already been paid and there is signature of Md. Izrail on the document.

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of six weeks from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM, Banmankhi, Purnea in connection with Complaint Case No.364 of 2017, subject to condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

With following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate in the investigation of the case and make himself available as and when required by the Police, otherwise, the prosecution is free to move for cancellation of his bail bond.

(Vinod Kumar Sinha, J)

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