

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23616 of 2018

Arising Out of PS. Case No.-176 Year-2017 Thana- BUDDHACOLONY District- Patna

Md. Jabir Khan, S/o Ashraf Khan, resident of Mohalla Sadikpur Sarai,
Anwar lane, P.S. Alamganj, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Paramhans Kumar Diwakar S/o Rajendra Prasad R/o quarter no. 128 Road
no.-9, S.K.Nagar, Budha Colony, dist. Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hansraj
For the Opposite Party/s : Mr. Sri Tarun Prasad Mandal

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

5 10-07-2018 Heard learned counsel for the petitioner, learned APP for
the State and learned counsel for the informant.

Petitioner apprehends his arrest in Buddha Colony P.S.
case no. 176 of 2017 instituted for the offence under Section(s)
406, 420, 467, 468, 471 and 120B/34 of the Indian Penal
Code.

It is submitted that he has neither received any money
nor has entered into any agreement for sale with the
informant. It is further submitted that earlier complaint petition
was filed which was referred to the police Station under Section
156(3) Cr. P. C. for registration of the FIR wherein it is



mentioned that money has been paid to different accused persons. It is further alleged by the informant that he has paid money on instruction of this petitioner to accused nos. 2, 3 and 4 and also agreement was entered between the informant and accused nos.5 and 6. It is specifically alleged in para 13 of the complaint petition that informant made payment through cheques and cash to Parmhansh Singh @ Mantu on different dates total amounting to Rs. 25,00,000/- in presence of this petitioner. It is also alleged that payment was also made by cheque in favour of accused no.4, namely Ashok Kumar. It is further alleged in the complaint petition that after receiving the entire amount of Rs. 76,76,000/- (Seventy Six Lakh Seventy Six Thousand only) the sale deed was executed in favour of the informant through three sale deed on 7.2.2014 by accused nos. 5 and 6 namely Sagina Kumar @ Sagina Rai and Most. Patiya Devi. The witnesses and their associate went to measure and demarcate the land then objection was raised by some villagers. There is allegation against this petitioner in the complaint that on 23.9.2014, on demand made by this petitioner informant issued a cheque no. 475816 in favour of this petitioner for 4,50,000/- (Four Lakh Fifty Thousand only). But the cheque was returned by the petitioner and cash payment



was made to petitioner in lieu of cash amounting to Rs. 4,50,000/-.

In this manner, from the entire complaint petition it appears that payments have been made by the informant to different persons as mentioned in the complaint petition. It further appears that sale deed was also executed by accused nos. 5 and 6 in favour of the informant.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with Buddha Colony P.S. case no. 176 of 2017, he shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the J.M. 1st Class, Patna, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions:(1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the



witnesses of the case, in that case, prosecution will be at liberty
to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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