

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14660 of 2018

Arising Out of PS.Case No. -14 Year- 2015 Thana -MUZAFFARPUR TOWN District-
MUZAFFARPUR

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Saiyad Irsad, Son of Md. Murtuja, resident of Village- Bhikhampura, P.S.-
Ahiyapur, District- Muzaffarpur presently residing at Banaras Bank Chowk,
Kamra Mohalla, P.S.- Tower, District- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nachiketa Jha

For the Opposite Party/s : Sri Bhanu Pratap Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 05-04-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner apprehends arrest in connection with
Muzaffarpur Town Police Station Case No. 14 of 2015 registered
for the offences under sections 406 and 420 of the Indian Penal
Code.

Allegation as per written report is that this petitioner
and his full brother executed a deed of agreement as regards land
measuring 4 bigha 9 katha at the rate of Rs. 25,000/-. This
petitioner and his brother had taken amount of Rs. 2,25,000/- in
different instalments but they neither executed the sale deed as per
terms of agreement nor returned the money. The petitioner



fraudulently transferred the land to a different person and thereby cheated the informant and committed breach of trust by retaining the said amount.

The learned counsel for the petitioner submits that from the allegation no offence of sections 406 and 420 of the Indian Penal Code is made out. The petitioner has not received any money from the informant and he has lodged this case on the basis of forged and fabricated document. It has been further submitted that the dispute between the parties is purely a civil dispute for which the informant has remedy to file a suit for specific performance of contract to get the terms and agreement implemented.

The learned Additional Public Prosecutor on the other hand, opposed the submission.

Considering the nature of allegation, facts and circumstances of the case, the prayer of anticipatory bail is allowed and the above named petitioner in the event of arrest or surrender before the learned court below within six weeks from today, is directed to be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in connection with Muzaffarpur Town Police Station



Case No. 14 of 2015, subject to conditions as laid down under section 438(2) Cr.P.C. with further condition that one of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court. The petitioner will not induce any witness or tamper with the evidence. The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

(Sanjay Kumar, J)

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