

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26058 of 2018

Arising Out of PS.Case No. -975 Year- 2005 Thana -COMPLAINT CASE District- SUPAUL

- =====
1. Md. Yunus, S/o Late Suleman Mian, resident of village- Chhitahi,
Hanuman Nagar, P.S.- Bhaptiyahi, District- Supaul.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bibi Jamerun, W/o Bachchauddin, resident of village- Chhitahi,
Hanuman Nagar, P.S.- Bhaptiyahi, District- Supaul.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate

For the Opposite Party/s : Mr. Md. Arif, APP

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 17-05-2018

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner apprehends his arrest in **Complaint Case**
No.975 of 2005 instituted for the offence under Section(s) 420,
406 Indian Penal Code.

It is alleged that this petitioner along with his
brother Md. Sanif came to the house of the Complainant and
offered to sale the land. The Complainant agreed and Md. Sanif
executed a sale deed on 21.07.2004 in favour of the Complainant.
When she went for taking possession of the land then the
Complainant learnt that aforesaid land has already been sold on
17.07.1995 to Bibi Haseena jointly by this petitioner and his



brothers, Md. Sanif and Obaidullah. The Complainant thereafter made request to return the money, but they neither returned the money nor executed sale deed for another land.

Counsel for the petitioner has submitted that sale deed has been executed by Md. Sanif, who is brother of this petitioner. The petitioner has sold the land with his brother of his own share and he has no concern with the land sold by his brother in favour of the Complainant.

This Court finds that the matter is of purely civil dispute.

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 **Complaint Case No.975 of 2005**, 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 **Additional Chief Judicial Magistrate, V, Supaul**, 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 his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond 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.

JA/-

(Sanjay Priya, J)

U		T	
---	--	---	--

