

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36510 of 2018

Arising Out of PS. Case No.-355 Year-2016 Thana- JAHANABAD District- Jehanabad

ABUL KHAIR @ MD. ABDUL KHAIR, Son of Late Satar Miyan, Resident of Village- Makarpur Tola Harni Tand P.S. Makhdumpur District- Jehanabad, at present Village Bara Chakand near Kabristan P.S. Chandauti, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Md. Sadique, Son of Md. Salam, Resident of Mohalla- Sabji Bazar, Main Road, Baksa Gali, P.S. & District- Jehanabad.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Paras Nath
For the Opposite Party/s : Mr. Sri Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

5 10-10-2018 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner, who is in custody, seeks bail in connection with Trial No. 1988/17 arising out of Jehanabad P.S. Case No. 355 of 2016 registered for the offence punishable under Sections 406, 420, 323, 504/34 of the Indian Penal Code.

Informant has alleged in the FIR that he had paid Rs. 2 lacs to the petitioner for purchase of land bearing Khata No. 323/199 plot No. 3178/1908, area 1 acre situated under Mauza Makarpur on a consideration of Rs. 19 lacs. It is further alleged that the informant paid rest of the amount to the



petitioner on different dates but sale deed was not executed and an enquiry from the registry office, he learnt that the plot in question was a Gairmajarua land which cannot be sold or purchased, then informant demanded money paid by him from the petitioner but he refused to pay. He had also sent a legal notice to the petitioner.

It has been submitted on behalf of the petitioner that petitioner has not taken any amount from the informant and the informant had paid the amount to the broker Mahboob Jawari who cheated the informant in the name of petitioner showing him as the land owner. There is no written proof of payment of amount. Present case has been filed to realize the money paid to the broker by putting pressure on the petitioner and he has been implicated in this case. Co-accused, namely, Mahboob Jawari has been granted bail by the court below itself. Case of the petitioner stands on the better footing to that of co-accused Mahboob Jawari.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of



learned C.J.M., Jehanabad, in connection with Trial No. 1988/17
arising out of Jehanabad P.S. Case No. 355 of 2016 subject to
the conditions that:-

(1) Bailors should be local having sufficient
immovable property within the jurisdiction
of the court concerned.

(2) Petitioner shall co-operate 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
sufficient reason the trial court will be at
liberty to cancel his bail bond.

(3) If the 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.

(S. Kumar, J)

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