

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12662 of 2019

Arising Out of PS. Case No.-19 Year-2018 Thana- KODHOBARI District- Kishanganj

EGRAMUL HAQUE @ MD. EGRAM Son of Abdul Hamid Resident of
Samedatola, Lohagara, P.S.- Kodhobari, Distt - Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Shahnawaz Ali

For the Opposite Party/s : Mr.Jai Narain Thakur

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

5 19-06-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with Kodhobari P.S. Case No. 19 of 2018, registered for the offences punishable under Sections 419, 420, 120 (B) of the Indian Penal Code.

Petitioner is said to have executed agreement to sell for selling the land in question in favour of the informant for consideration of Rs. 6,50,000/- (rupees six lakh fifty thousand), taking Rs. 5,00,000/-(rupees five lakh) in advance but did not execute the sale deed in favour of the informant.

It is submitted by learned counsel for the petitioner that petitioner did not execute the alleged agreement to sell in



favour of the informant. As a matter of fact, informant was inimical terms with the petitioner and his family members as proceeding under Section 107 Cr.P.C. was initiated against the petitioner and his family members at the instance of the informant so there is no question of execution of agreement to sell in favour of the informant by the petitioner. It is further submitted that the alleged agreement to sell is not a registered document hence it is not enforceable in the Court of law. Moreover, the said document did not bear the signature/ L.T.I. of the petitioner.

On the other hand, the learned A.P.P. for the State and learned counsel for the informant opposing the prayer for anticipatory bail of the petitioner submitted that the witnesses in the case diary have supported the occurrence and petitioner cheated the informant of his aforesaid money and did not execute the sale deed in favour of the informant in compliance of agreement to sell, hence he does not deserve bail.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional



Chief Judicial Magistrate Kishanganj, in connection with
Kodhobari P.S. Case No. 19 of 2018, subject to the condition as
laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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