

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23357 of 2019

Arising Out of PS Case No.-205 Year-2018 Thana- MADANPUR District- Aurangabad

Md. Iqbal Ahmad @ Ekbal @ Md. Ikbal Ahmad, aged about 56 years,
Gender-Male, Son of Late Md. Samsuddin Ansari @ Samsuddin, Resident of
Village - Bardi, P.S.- Salaiya, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Ajmal Ansari, aged about 39 years, Gender- Male, Son of Late Samsuddin Ansari Resident of Village - Bardi, P.S.- Salaiya, District- Aurangabad.
3. Superintendent of Police, Aurangabad.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Pd. Singh, Sr. Advocate Mr. Chandra Shekhar Bimal, Advocate
For the State	:	Mr. Jagdhar Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 18-07-2019

Learned counsel for the petitioner; learned APP for the State and learned counsel for the opposite party no. 2 have assisted the Court.

2. The petitioner apprehends arrest in connection with Madanpur P.S. Case No. 205 of 2018 dated 02.09.2018 instituted under Sections 406, 420 and 120B of the Indian Penal Code.

3. The opposite party no. 2, who is the full brother of the petitioner, has filed the case against him alleging that the compensation amount for the land acquired by the Government,



which was ancestral and in the joint name of both the brothers, has been taken by the petitioner and half of the amount has not been paid to him.

4. Learned counsel for the petitioner submitted that without going into the merits, he accepts that half share of the amount is to be given to the opposite party no. 2. He submitted that after filing of the criminal case, the police has frozen the Bank account of the petitioner in which there is over Rs. 16,00,000/- deposited. A categorical stand was taken that the moment the account is released, an amount of Rs. 11,98,625/- shall be transferred into the account of the opposite party no. 2.

5. Having regard to the aforesaid, the provisional anticipatory bail granted to the petitioner by order dated 15.04.2019 stands confirmed in the following terms.

(a) The Superintendent of Police, Aurangabad is directed to ensure that the account of the petitioner is released from attachment and also that the petitioner transfers an amount of Rs. 11,98,625/- from such account into the account of the opposite party no. 2-informant. Such exercise shall be undertaken by a police officer who shall accompany the petitioner to the Bank where such transfer shall take place.



(b) Upon doing so, a petition shall be filed by the petitioner before the Court below bringing on record the statement of the Bank account showing such transfer in favour of the opposite party no. 2.

(c) Such petition being filed before the Court below, the provisional anticipatory bail of the petitioner shall stands confirmed.

6. For the sake of convenience, the Superintendent of Police, Aurangabad is impleaded as opposite party no. 3. Let necessary correction in the cause title of the application be made by learned counsel for the petitioner during the course of the day.

7. Mr. Jagdhar Prasad, learned APP accepts notice on behalf of the newly added opposite party no. 3. He shall communicate the order to the opposite party no. 3 for compliance.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

AFR/NAFR	
U	
T	

