

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33398 of 2019**

Arising Out of PS. Case No.-2963 Year-2011 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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Md. Sibatullah @ Shibgatullah @ Md. Sibgatullah, S/o Late Gharibul Hassan
R/o Mohalla- Mukarari, Chandwara, P.S.- Town, Distt.- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Syed Md. Khurshid S/o Late S.M. Rakib R/o Mohalla- Haalsaheb Ka Kothi
Chandwara, P.S.- Nagar, District- Muzaffarpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manindra Kishore Singh

For the Opposite Party/s : Mr.Ram Bilash Roy Raman

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 21-05-2019 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Complaint Case No. 2963 of 2011, registered under
Sections 406 and 420 of the Indian Penal Code.

The accusation is that petitioner being the broker of
the land approached to the complainant to purchase the land
bearing Khata No. 361 measuring 47 decimal on payment of
Rs.4,40,000/- saying that the aforesaid land belongs to Junaida
Khatoon and Tasiyar Chandra Agrawal. Regarding said land, an
agreement was executed on 16.12.2010 and a cheque of
Rs.1,00,000/- was handed over to the petitioner with agreement



that the sale deed shall be executed on 31.03.2011. But in spite of much suppuration, Tasiyar Prasad Agrawal executed the sale deed of his share on handing over the cheque of Rs.1,00,000/- and cash of Rs.50,000/- to witness Sakil. But after much approach, Junaida Khatoon did not execute the sale deed regarding $\frac{1}{2}$ portion.

Learned counsel for the petitioner submits that admittedly, an agreement was entered in between the petitioner and complainant, Saiyad for purchasing the land of 47 decimals, recorded in the name of Tasiyar Prasad Agrawal and Jubeda Khatoon, for which, Rs.1,00,000/- was given to the petitioner and cheque of Rs.1,05,000/- and cash of Rs.50,000/- was given to Tasiyar Prasad Agrawal, who executed the sale deed but co-owner, Junaida Khatoon was not ready to execute the sale deed in respect of her land. Due to that reason Tasiyar Prasad Agrawal sold the land to complainant, regarding which, money was taken by the petitioner and Tasiyar Prasad Agrawal. The remaining consideration amount in respect of land has not been paid by the complaint but with ulterior motive the present case has been lodged with false allegation.

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 six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Judge-X-cum-ACJM, Muzaffarpur, in connection with Complaint Case No. 2963 of 2011, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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