

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43246 of 2019**

Arising Out of PS. Case No.-1113 Year-2018 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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1. MD. MUSARAF@ MUSARAF Ansari Son of Late Kabiruddin Resident of Mohalla-Habibpur, Police Station-Habibpur, District-Bhagalpur.
 2. Md. Khalid Son of Late Kabiruddin Resident of Mohalla-Habibpur, Police Station-Habibpur, District-Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Islam Son of Late Abdul Aziz Resident of Mohalla-Tatarpur Near Jain Petrol Pump, Police Station-Tatarpur, District-Bhagalpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binay Kumar
For the Opposite Party/s : Mr.Sunil Kumar Pandey

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

ORAL ORDER

2 03-09-2019 Heard learned counsel for the petitioners, learned counsel for the complainant and the learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered under Sections 420 and 406 of the Indian Penal Code.

Accused No.1 Bibi Akhtari agreed to sell out her land in favour of the complainant in Rs. 29,00,000/- and she executed an agreement of sale on 11.09.2013 taking Rs.3,00,000/- in advance from the complainant in presence of petitioner nos. 1 and 2 who happen to be her sons. Thereafter Rs.4,00,000/- was again given to the aforesaid accused before



the petitioners by the complainant on different dates and altogether total Rs. 7,00,000/- was given in advance but the said accused did not execute the sale deed in his favour rather petitioners are interested to sell it out to some other persons. They also did not return his aforesaid advance money.

It is submitted by learned counsel for the petitioners that the petitioners have no concern with the aforesaid occurrence. They had neither executed any agreement nor have taken any money. They have been falsely implicated in the case merely because they happen to be sons of Bibi Akhtari. Moreover it is a case of civil nature. They have no criminal antecedent.

Learned APP for the State and learned counsel for the complainant opposed the bail petition.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned J.M. 1st Class, Bhagalpur in connection with Complaint Case No.1113 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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