

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44628 of 2019

Arising Out of PS. Case No.-100 Year-2016 Thana- BUXAR District- Buxar

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MANNAN SHEIKH @ MANN SHEIKH, S/o Late Kased Sheikh, R/o village- Doctor Para, Rampur Hat, P.S.- Rampur Hat, District-Birbhum (West Bengal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shree Kant Pandey

For the Opposite Party/s : Mr.Rabindra Kumar

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

4 16-11-2019 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Buxar (T) P.S. Case No. 100 of 2016 arising out of Complaint Case No. 222-C of 2016 registered under Section 406 and 420/34 of the Indian Penal Code.

The accusation is that complainant-opposite party no. 2 Girdhari Singh, was in need of land for doing the stone cheap business and in that connection, he approached to Mannan Sheikh (petitioner) and his son, Hamam Shekh, resident of Doctor Para Raipur Hat, P.S. Raipur Hat, District Birbhum (West Bengal), who assured to make available the land with crasser machine on Rs.12,00,000/- and both came at Buxar at his door and he handed over cash of Rs.12,00,000/- and deed of agreement was also executed but later on, they took possession of crasser machine, stone cheap and other materials over the land.

Learned counsel for the petitioner submits that, in fact, lease



of agreement, which is the part of agreement clearly indicates that lease agreement was executed at Rampur Hat, P.S. Rampur Hat, District Birbhum (West Bengal) but the complainant-opposite party no.2 has lodged the present case at Buxar only to harass the petitioner, while the present case is to be lodged at District Birbhum (West Bengal). Moreover, the dispute is of civil in nature.

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 Chief Judicial Magistrate, Buxar, in connection with Buxar (T) P.S. Case No. 100 of 2016, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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