

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70610 of 2019

Arising Out of PS. Case No.-749 Year-2018 Thana- KHAJANCHI HAT District- Purnia

MD. NURUL KHAN @ NURUL KHAN, male, aged about 45 years, Son of Late SK Badrul Hassan, Resident of Village- Oli Tola, P.S.- K. Hat (Madhubani), District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Adv.
	:	Mr. Saket Tiwary, Adv.
	:	Ms. Preety Kunwar, Adv.
For the Opposite Party/s	:	Mr. Md. Matloob Rab

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 25-11-2019 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in a case registered for the offence punishable under Sections 406/420/506/120B of the Indian Penal Code, 1860.

The informant alleged that he entered into an agreement with Md. Nurul Khan for purchasing a piece of land at the rate of Rs.5,50,000/- per Katha. The informant paid Rs. 1,00,000/- through cheque and Rs. 33,000/- in cash on the date of agreement. The informant also paid Rs.1,00,000/- in cash to Md. Nurul Khan and Md. Nurul Khan acknowledged the receipt of Rs.1,00,000/- on the back page of the agreement and put his



signature thereon on 14.05.2018 but Md. Nurul Khan returned Rs.1,00,000/- on 21.08.2018 and rescinded the agreement.

Learned counsel for the petitioner submits that the only allegation against the petitioner is that the petitioner facilitated the informant in negotiation for the agreement but the petitioner did not receive any amount of consideration from the informant. On the last date, the petitioner had agreed to return Rs.33,000/- to the informant and the petitioner is still ready to return that amount although the petitioner did not receive any part of consideration amount from the informant.

Learned counsel for the petitioner further submits that the co-accused has been granted anticipatory bail by the Co-ordinate Bench of this Court vide order dated 16.11.2019 in Cr. Misc. No.55001 of 2019 on the ground that the petitioner had undertaken to return Rs.33,000/- to the informant, the co-accused shall return Rs. 33,000/- within 40 days from today. If the co-accused did not return the aforesaid amount, the same amount shall be paid by the petitioner within the same period. The petitioner is in custody since 03.07.2019 and has got two criminal antecedents and he is on bail which is mentioned para 3 of the bail petition.

Considering the aforesaid facts and circumstances, let the



petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea, in connection with K. Hat (Madhubani), P.S. Case No. 749 of 2018.

(Anjani Kumar Sharan, J)

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