

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65956 of 2019

Arising Out of PS. Case No.-228 Year-2016 Thana- BARAULI District- Gopalganj

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NAUSHAD ALI @ NAUSHAD KHAN Son of Hasruddin Khan Resident of
Village - Baghra, P.S.- Muffasil, Dist.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lakshmi Kant Sharma

For the Opposite Party/s : Mr. Anand Kishore Choudhary

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 05-11-2019 Heard learned counsel appearing on behalf of the

petitioner, learned counsel appearing on behalf of informant

and learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Barouli P.S. Case no. 228 of 2016, registered under
Section 306/34 of the Indian Penal Code.

The accusation is that petitioner along with Shad
Ali @ Manshad Ali and Fazaley Imam, father of the informant,
were doing the business of construction work at Kolkata. In
course of said business, the petitioner and Shad Ali had taken
Rs. 18,50,000/- from the informant's father, but they did not
return back the said amount despite of several requests made
by the father of the informant due to that reasons, Fazaley
Imam, father of the informant, committed suicide.

Learned counsel for the petitioner submits that
there is no evidence of taking amount by the petitioner from the



father of the informant. Further submission is that, in fact, deceased talked with co-accused Shad Ali to sale the land and for which Rs. 3,02,000/- was accepted by him, but sale deed could not be registered after execution. The signature of the deceased on the sale deed was compared with his admitted signature by handwriting expert and the signature of sale deed was found same as admitted signature. Further submission is that, in fact, the petitioner was not present in India at the time of occurrence as he used to reside at Saudi Arabia, which would appear from Annexure-2 issued by Vice Consul (Labour) addressed to District Magistrate, Gopalganj. The petitioner has no criminal antecedent.

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 four 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 Chief Judicial Magistrate, Gopalganj in connection with Barouli P.S. Case No. 228 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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