

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80037 of 2019

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

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Zeyaul Hussain @ Zeyaul Hassan Chand @ Zeyaul Huassain @ Chand Son
of Anwarul Hassan Resident of Mohalla - Chandwara, P.S.- Town, District -
Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Syed Md. Khurshid Son of Late S.M. Rakib Resident of Mohalla - Hal
Saheb Ka Kothi, Chandwara, P.S.- Town, District - Muzaffarpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K.
For the Opposite Party/s : Md. Mushtaque Alam

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 05-12-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Complaint Case No. 2963 of 2011, registered for the
offence punishable under sections 406, 420, 467, 468, 471 and
120(B) of the Indian Penal Code.

As per allegation made in the complaint, the accused
no.2, who is the petitioner herein along with his brother-in-law,
accused no.1 worked as a broker. It is stated that an agreement
was entered into according to which sale deed was to be
executed by Junaida Khatoon and Tasiyar Chandra Agarwal on



payment of total consideration amount of Rs. 4,40,000/-. It is further stated that in terms of the agreement amount by way of cheque was given in favour of co-accused i.e. Md. Sibatullah @ Shibgatullah @ Md. Sibgatullah and also to petitioner herein. It is finally stated that the accused persons did not executed sale deed, which was to be executed by Junaida Khatoon and the complainant was cheated of her money.

It is submitted by learned counsel for the petitioner that the petitioner for his part of the land a sale deed was executed by Tasiyar Chandra Agarwal and no amount was paid for execution of sale deed for portion of land belonging to Junaida Khatoon. It is further submitted that from perusal of the complaint itself it would transpire that the same is in the nature of civil dispute relating to non-execution of sale deeds, although allegation being entire consideration amount has been paid. It is finally submitted that the case of the petitioner, stand on a similar footing to that of co-accused Md. Sibatullah @ Shibgatullah @ Md. Sibgatullah, who has enlarged on bail in Cr. Misc. No. 33398 of 2019 by a co-ordinate Bench of this Court. Further, the petitioner has no criminal antecedent.

Having heard the learned counsel for the parties and taking into consideration the fact that the matter is primarily one



of land dispute and cognizance has been taken under Sections 406 and 420 of the Indian Penal Code, bail has been granted to similarly situated co-accused, the above named petitioner is directed to surrender in the court below within a period of six weeks from today and in the event of his arrest or surrender, he shall be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Judge-X-cum-Additional Chief Judicial Magistrate, 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.

(Partha Sarthy, J)

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