

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.9565 of 2019

Arising Out of PS. Case No.-2963 Year-2017 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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1. HENA PRAVIN @ HENA, aged about 42 years, Female, Wife of Nafis Alam, Residents of Village- Anwarpur, Police Ststion- Town Hajipur, District- Vaishali at present residing at Mohalla- Goush Nagar, Chas, Police Station- Chas, District- Bokaro (Jharkhand)
 2. Ghajala Yasmin, aged about 42 years, Female, Wife of Azam Khan, Residents of Village- Anwarpur, Police Station- Town Hajipur, District- Vaishali at present residing at Mohalla- Goush Nagar, Chas, Police Station- Chas, District- Bokaro (Jharkhand)
 3. Nafis Alam @ Md. Nafis Alam, aged about 49 years, Male, Son of Late Shafique Alam, Resident of Mohalla New Kabari Bazar Patti Near Kali Mandir Dhanbad, P.S.- Bank More, District-Dhanbad (Jharkhand)
 4. Tanweer Alam, aged about 28 years, Male, Son of Md. Nurul Hoda, Resident of Mohalla- Gaus Nagar Bharra Road Near of Nuri Masjid, Police Station- Chas, District- Bokaro (Jharkhand) ... Petitioners

Versus

1. THE STATE OF BIHAR
2. Bipin Bihari Patel, Son of Rama Prasad Residents of Village- Mohabbatpur, Police Station- Ganga Bridge, Hajipur, District- Vaishali
3. Parmanand Rai, son of Anandi Rai, resident of village Chicknofa, P.S. Hajipur, district Vaishali at Hajipur
4. Manoj Kumar Singh, son of late Kailash Singh, resident of village Chacklotaf, P.S. Bidupur, district Vaishali at Hajipur ... Opposite Parties

Appearance :

For the Petitioners	:	Mr. Mukul Prasad, Adv.
For the State	:	Mr. Kalyan Shankar, APP
For the Complainant	:	Mr. Manoj Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

6 31-01-2020 Heard learned counsel for the petitioners, the learned counsel for the complainant and learned Additional Public Prosecutor for the state.

The petitioners seek pre-arrest bail in connection with Complaint Case No. 2963 of 2017/Tr. No. 763 of 2017, registered under Section 420, 406, 467, 471, 468 and 120B/34 of the Indian Penal Code.



The accusation is that Md. Shafique Alam (now deceased) expressed his desire to sell his land in area of 1 katha 19 dhur of different plots on taking the amount of consideration of Rs.25,00,000/-. Thereafter, on 31.10.2012 late Shafique Alam executed the agreement to sell in favour of complainant/opposite party no. 2, Bipin Bihari Patel, Parmanand Rai and Manoj Kumar Singh and took rupees two lakh as advance money. At that time, Nafis Alam, petitioner no. 3, put his signature as witness. Thereafter, Nafis Aalm got transferred the cash of Rs.21,75,000/- in the account of his family members. When complainant/opposite party no. 2 asked Nafis Alam to execute the sale deed, then, he expressed his desire of payment of remaining amount, then, he paid remaining amount on 06.01.2016, in spite of that he did not execute the sale deed. Complainant/opposite party no. 2 visited on 09.06.2017 to approach late Shafique Alam at Bokaro, where he was abused and forced to move from there.

Submission is that petitioners are the family members of Nafis Alam, who is said to execute the sale deed in favour of Bipin Bihari Patel, Parmanand Rai and Manoj Kumar Singh and the petitioners are not the parties, only it is alleged that petitioner no. 3, Nafis Alam, put his signature as witness of



agreement.

On the other hand, learned counsel appearing for complainant/opposite party no. 2 submits that consideration amount was also transferred by complainant/opposite party no. 2 in the account of petitioner no. 3 on the instruction of late Shafique Alam, who has now died.

Having regard to the facts and circumstances of the case, let the petitioners, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Complaint Case No. 2963 of 2017/Tr. No. 763 of 2017 shall be released on bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, X, Vaishali at Hajipur, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

Shamshad/-

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