

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13143 of 2020**

Arising Out of PS. Case No.-603 Year-2019 Thana- KATIHAR District- Katihar

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ABDUL GANI Son of Late Md. Safique Resident of Mohalla - High School
Para, P.S. - Katihar Nagar, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md. Musowir

For the Opposite Party/s : Mr.Harendra Prasad

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

2 10-07-2020 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises
out of Katihar (Nagar) P.S. Case No. 603 of 2019, disclosing
offences under Sections 323, 379, 420 and 120(B) of the Indian
Penal Code.

It is alleged that the petitioner had agreed to sell a
piece of land in favour of the informant on payment of
consideration amount of Rs. 3,65,000/-

According to the informant, the petitioner had taken
certain amount from time to time. It is finally alleged that the
petitioner had received a total sum of Rs. 87,000/- and though
the informant was ready to pay rest of the consideration money,



the petitioner has refused to execute the sale deed.

Learned counsel appearing on behalf of the petitioner has argued that the dispute as disclosed in the F.I.R. does not constitute any offence punishable under Section 420 of the Indian Penal Code nor under other provisions of the Indian Penal Code. It is purely a civil dispute in respect of which a criminal case has been filed, which is abuse of the process of law, he contends.

Be that as it may, considering the nature of accusation referred to in the F.I.R., a case for grant of anticipatory bail is made out, this application is allowed.

Let the petitioner above named in the event of his arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Katihar in connection with Katihar (Nagar) P.S. Case No. 603 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part



to appear before the Court on two consecutive occasions, his
bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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