

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83788 of 2019**

Arising Out of PS. Case No.-1625 Year-2017 Thana- MUZZFARPUR COMPLAINT CASE
District- Muzaffarpur

MD. BASIR Son of Late Nathuni Ansari Resident of Village-Mithan Saray,
Tole-Madhapur, P.S-Ahiyapur, District-Muzaffarpur.

... .. Petitioner

Versus

1. THE STATE OF BIHAR
2. Ashok Kumar Sinha Son of Late Shambhu Prasad Resident of Mohalla-
Brahmpura, P.S.-Brahmpur, District-Muzaffarpur.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr.Manoj Kumar
For the Opposite Party/s : Mr.Nagendra Prasad

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

ORAL ORDER

3 03-07-2020 Heard learned counsel for the parties.

This application for grant of anticipatory bail arises out of Complaint Case No. 1625 of 2017 registered for the offence punishable under Sections 406 and 420 of the Indian Penal Code.

It is alleged in the complaint petition that the petitioner had received a sum of Rs.2,50,000/- for executing a sale deed in respect of a piece of land on payment of full consideration amount of Rs. Three lac. Allegedly, the petitioner has misappropriated the amount and has refused to execute the sale deed.

Learned counsel appearing on behalf of the petitioner has submitted that the case of the prosecution, as narrated in the



complaint petition, is false. The petitioner had not entered into any kind of agreement as is being alleged by the complainant.

Learned counsel representing the complainant, on the other hand, while vehemently opposing the prayer for anticipatory bail, has submitted that the petitioner had taken the money in the presence of the witnesses and he had entered into an agreement, as can be noticed from the statement of witnesses on solemn affirmation before the Court below.

Be that as it may, considering the nature of dispute between the parties, giving rise to registration of the complaint case, in my opinion, a case for grant of anticipatory bail is made out. This application is accordingly 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 bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. 1st Class, Muzaffarpur, in Complaint Case No. 1625 of 2017, 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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