

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18994 of 2021

Arising Out of PS. Case No.-304 Year-2020 Thana- MADHUBAN District- East Champaran

NIJAMUDDIN ANSARI @ LALLU @ MD. NIZAMUDDIN S/o Mokim
Ansari Resident of Village- Madhuban, P.S.- Madhuban, Dist- East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 22-09-2021 Heard learned counsel for the parties through video
conferencing.

The petitioner has preferred this application for grant
of regular bail in a case registered under sections 419, 420 and
34 of the Indian Penal Code.

As per the prosecution case, it is stated by the
informant that he entered into an agreement for purchase of
land. On the assurance by the vendors that one of the share
holders namely Rahman Fazal Seikh @ Md. Fazlu Rehman
would be present and on payment of the total consideration
amount to him the other persons would come and execute the
sale deed in favour of the informant, it is stated that the
informant paid different amounts as detailed in the FIR through



cheques to the aforesaid Fazlu. It is stated that some of the amount was also paid through the petitioner. Inspite of the assurance given by the vendors including Fazlu that they would execute a sale deed and inspite of payment of a total sum of Rs. 28.5 lacs, the aforesaid Fazlu started avoiding the informant. Even on the informant requesting the petitioner, the petitioner told him that he did not know about the transaction. Thus, the FIR.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. He is neither the owner of the land in question nor any agreement for sale was entered into between him and the informant. It is submitted that the petitioner has transferred the total amount in the Bank account of the co-accused Fazlu and the petitioner has no role to play in the same. On the face of it this is a case of civil dispute between the informant and co-accused Fazlu. The petitioner is in custody since 14.12.2020 and has no criminal antecedent.

The application for bail is opposed by learned APP for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that the petitioner, Fazlu Rahman and the members of his family had come to the land in



question where the negotiation in the price had taken place and pursuant thereto different amounts on different dates had been paid by the informant including amounts paid to the petitioner. A total sum of Rs. 17 lacs was paid to the petitioner. The accused persons including the petitioner conspired against the informant and have cheated him.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the contents of the allegations in the FIR wherein there is no controversy so far as the fact of Fazlu and the members of his family being the owner of the land is concerned together with the petitioner having remained in custody for over 9 months and charge sheet having been submitted in the case, the Court directs the petitioner to be enlarged on bail in connection with Madhuban P.S. Case no. 304 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari.

Prakash/-

(Partha Sarthy, J)

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