

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26937 of 2020

Arising Out of PS. Case No.-134 Year-2015 Thana- SARE District- Nalanda

SHAKIL MIAN @ SAKEEL MIAN Son of Tigar Mian Resident of Village -
Mohuni, P.S. - Asthawan, District - Nalanda.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar, Advocate

For the Opposite Party/s : Mr.Anand Kishore Chaudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 05-01-2021 Heard learned counsel for the petitioner and Mr.
Anand Kishore Chaudhary, learned APP for the State.

The petitioner in the present case is seeking pre-arrest bail in connection with Sare P.S. Case No. 134 of 2015 registered for the offences punishable under Sections 406, 420, 504, 506/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per allegations in the First Information Report there was a delay for purchase of land by the informant from this petitioner. It is alleged that the informant had paid a sum of Rs.33,000/- and rest of the amount was to be paid at the time of execution of the sale deed. The informant claims that he had again paid Rs.25,000/- as advance money and in this way he had paid altogether Rs.58,000/- as advance in between 2004-2015 as



against the agreed sale price of Rs.69,000/-. The allegation is that despite receiving the money the petitioner has not executed the sale deed.

Learned counsel for the petitioner submits that the allegations are completely false, concocted and baseless as the alleged transaction is said to have been taken place between the year 2004-2015 and it is hard to believe that the sale of land is waiting for 11 years and scattered payment would be accepted in the manner as alleged.

Learned APP for the State has though opposed the prayer for pre-arrest bail of the petitioner but on going through the case diary he is unable to demonstrate that there is any material showing receipt of money by this petitioner.

Having regard to the facts and circumstances of the case, in the nature of the allegations made against the petitioner, the transaction is that of sale and purchase of land and the transactions are said to have been taken place over 11 years but the I.O. has not collected any material on that, let in case of his arrest or surrender the petitioner above named within a period of four weeks from today in connection with Sare P.S. Case No. 134 of 2015 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Nalanda at Biharsharif, subject to



the condition as laid down under Section 438(2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

SUSHMA2/Rajeev

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'

