

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2234 of 2021

Arising Out of PS. Case No.-18 Year-2017 Thana- LAHERIYASARAI District- Darbhanga

Tabrez Alam, Son of Md. Md. Islam, Resident of Village - Amdiha, P.S. -
Sadar, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.N. A. Shamsi, Advocate.

For the Opposite Party/s : Mr. Aditya Narayan Singh 1, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 13-09-2021 As prayed for, let the learned counsel appearing for the petitioner remove the defect(s), as pointed out by the office, within four weeks of starting of the Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State through Video Conferencing.

The petitioner apprehends his arrest in connection with Laheria Sarai P.S. Case No. 18 of 2017, registered under Sections 406, 420, 467, 468, 471, 504 and 120(B) of the Indian Penal Code.

The accusation is that complainant-informant, Md. Wasim Ahmad, was thinking to purchase the land in village Laheria Sarai for construction of the house. In the meantime, he



came to know that Md. Rijwan @ Raja is doing the job of broker for purchasing and selling of the land. Thereafter, he along with Md. Akram met to Md. Rijwan @ Raja, on which, he disclosed that 22 Katha land is available in village Akopur and also told that according to desire, the land will be made available and he also disclosed that Vijay Sah @ Binod Kumar, owner of the said land, has executed the power of attorney in favour of Rajeshwar Choudhary. Thereafter, Md. Rijwan @ Raja also managed the meeting of Rajeshwar Choudhary with the complainant-informant and on negotiation, the consideration amount of Rs.5,00,000/- was fixed for one katha land and, accordingly, complainant-informant paid Rs.5,00,000/- on different dates till 26.06.2012. Thereafter, sale deed was executed, on which, Ram Pukar Paswan and Tabrez Alam (petitioner) and others put their signature as a witness. After some time, complainant-informant, desire to purchase one katha more land then Md. Rijwan @ Raja and Rajeshwar Choudhary told him that they will manage to execute the sale deed from Savraj Alam and accordingly, complainant-informant paid Rs.5,00,000/-. Thereafter, second sale deed was also executed in his favour but later on, he came to know that the land is not belonging to the person, who has executed the power of attorney



in favour of Rajeshwar Choudhary, and litigation is pending in the Civil Court, Darbhanga. When complainant-informant made request to Md. Rijwan @ Raja and Rajeshwar Choudhary to return the money but they did not take any heed. Later on, on repeated request, Md. Rijwan @ Raja asked him to pay Rs.10,00,000/- more, then he will execute the sale deed of flat worth of Rs.20,00,000/- in his favour but on inquiry, complainant-informant came to know that the flat, which is in occupation of Md. Rijwan @ Raja, is on rent.

Learned counsel for the petitioner submits that it would appear from the complaint petition, which is the basis of the FIR, that petitioner only put his signature as a witness on the sale deed executed by Rajeshwar Choudhary in favour of the complainant-informant. Further submission is that petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Darbhanga, in connection with Laheria Sarai P.S.



Case No. 18 of 2017, subject to the condition as laid down
under Section 438(2) of the Cr.P.C.

Bhardwaj/-

(Rajendra Kumar Mishra, J)

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