

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25089 of 2021

Arising Out of PS. Case No.-79 Year-2019 Thana- MOUZAHDIPUR District- Bhagalpur

Md. Shamsad @ Shamshad Son Of Md. Noor @ Md. Nur Resident Of
Mohalla- Gulab Darji Lane, Hussainabad, P.S.- Mojahidpur, District-
Bhagalpur Petitioner/s

Versus

THE STATE OF BIHAR Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 20-01-2022 This matter has been taken up for hearing online
because of COVID-19 pandemic restrictions.

Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner is expected to
honour his undertaking to remove the defects as pointed out by
the office when called upon to do so by the office.

The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Mojahidpur (Babarganj) P.S. Case no. 79 of 2019 instituted
for the offence under Sections 341, 323, 406, 420, 379, 504 and
506/34 of the Indian Penal Code.

As per allegation in the FIR, informant has given Rs.
4,00,000/- to the petitioner on different dates for executing a
sale deed but the petitioner had not executed any sale deed.



When the informant requested to return the amount, petitioner abused and assaulted him and also threatened him that neither he will execute the sale deed nor he will return the money.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has been falsely implicated in the present case. It is further submitted by learned counsel for the petitioner that petitioner has already returned the alleged amount to the informant and in support of his statement, supportive documents are also annexed to the petition. He has got no criminal antecedent. The matter relates to a civil dispute.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Mojahidpur (Babarganj) P.S. Case no. 79 of 2019, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur subject to the conditions as laid down



under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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