

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35749 of 2021

Arising Out of PS. Case No.-907 Year-2019 Thana- PATNA COMPLAINT CASE District-
Patna

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MD. AZAHAR Son of Abdul Ahmad Resident of village - Shekhpura P.S. Kochas, District - Rohtas, at Present resident of House No. 15, Malin Lane Road , P.S. Civil Line Gaya, District - Gaya.

... .. Petitioner

Versus

1. The State of Bihar
2. Md. Rehan Son of Emaran Resident of Lal Mia Ki Dargah, P.S. Phulwarisharif, District - Patna.

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Priyanka Singh
For the Opposite Party/s : Mr.A.G

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 24-08-2022 Learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioner as well as the learned APP for the State.

The petitioner apprehends his arrest in connection with Complaint Case No. 907 (c) of 2019, registered for the offences punishable under Sections 420 and 504 of the Indian Penal Code.

The plaintiff No. 1 in Title Suit No.125/2019 is Ekta Sahkari Grih Nirman Samiti and plaintiff No. 2 is Md. Rehan



who is secretary of the Samiti. As per allegation, an agreement between the informant and the Ekta Sahkari Grih Nirman Samiti was made that it will allot a piece of land, but neither the Committee allotted the land nor constructed the house thereon and thereby the terms and conditions of the agreement was breached by the petitioners.

The learned counsel for the petitioner has submitted that the complainant has already filed a Title Suit No. 125 of 2019, which is pending in the Court of sub Judge 1st Danapur. He has further submitted that the complainant did not perform his part of contract and relief claimed is for specific performance of the contract.

On the other hand, learned counsel for the complainant has opposed the prayer for bail by submitting that the petitioner was demanding rupees five lacs. The matter is already sub judice in the civil court of competent jurisdiction.

It appears to be a case of civil nature.

Considering the above-mentioned facts and circumstances, let the petitioners, in the event of their arrest or surrender within four weeks before the learned court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the



satisfaction of learned A.C.J.M. Danapur, Patna in connection with Complaint Case No. 907 (C) of 2019, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Office shall ensure that all defects are removed by the petitioners within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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