

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7097 of 2022

Arising Out of PS. Case No.-2647 Year-2019 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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SHAMSHUL HASAN Son of Md. Siddhique Resident of Mohalla -
Salapatganj Gudri Bazar, Police Station - Bhagwan Bazar, District - Saran.
... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ankur Prakash Sinha, Advocate
For the Opposite Party/s : Mr. A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 30-08-2022 Heard learned counsel for the petitioner and learned A.P.P.
for the State.

Let the defect(s), if any, be removed within a period of
four weeks.

The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 384, 406 and 420/34 of
the Indian Penal Code.

Learned counsel for the petitioner submits that petitioner
is a person with clean antecedent.

The informant/complainant alleges that she had entered
into an agreement for sale with Kameshwar Prasad Singh but he after
receiving part consideration amount is not executing the sale deed
though the informant is willing to make the entire payment. It is
alleged that this petitioner had signed as a witness on the said
agreement.



Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case and the dispute is purely civil for which criminal case ought not to have been instituted. He further submits that informant has remedy available in law against Kameshwar Prasad Singh under the Specific Relief Act and as far as this petitioner is concerned, he is only alleged to be a witness on the agreement entered in between the informant and Kameshwar Prasad Singh.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Complaint Case No. 2647 of 2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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