

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14586 of 2023

Arising Out of PS. Case No.-507 Year-2022 Thana- DEHRI TOWN District- Rohtas

MD. KHURSHID KHAN SON OF LATE AKHTAR KHAN R/O VILL.-
NEELKOTHI, NEAR BALWANT KE HATA, WARD NO. 31, P.S.- DEHRI
TOWN, DISTT.- ROHTAS

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shankar Kumar, Advocate
For the Opposite Party/s	:	Dr. Indihar Kumari, APP
For the Informant	:	Mr. Vijay Anand, Advocate
		Mr. Ajay Kumar Tiwari, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-05-2023 Heard learned counsel appearing on behalf of the parties.

The accused/petitioner is named in the F.I.R. and apprehend his arrest in connection with Dehri (T) P.S. Case No. 507 of 2022 registered for the offences punishable under Sections 406 and 420/34 of the Indian Penal Code.

Allegation against the petitioner is to sign agreement to sale, as a witness, executed by his wife/co-accused, namely, Afsana Khatoon in favour of informant against consideration of Rs. 37,50,000/-, where, Rs. 12,00,000/- was taken as an advance by her, but subsequently for certain reasons said agreement to sale was not executed.



Learned counsel appearing on behalf of the petitioner submitted that thrust of allegation as per narration of FIR is available against co-accused, namely, Afsana Khatoon, who remains in custody for about 08 months in connection with the present case. It is submitted that the implication of this petitioner with present case was made with aid of Section 34 of the IPC, where, nothing surfaced from the face of FIR, which may suggest on its face that petitioner was under common intention. It is pointed out that implication of this petitioner appears being husband only, as he accompanied co-accused to the house of informant in said capacity. While concluding the argument, it is submitted that petitioner found involved in one more case, where, he is on bail.

Learned APP duly assisted by learned counsel appearing on behalf of the informant, while opposing the prayer of bail, submitted that petitioner is the main culprit, he is the instrumental behind entire events causing non-execution of agreement to sale on part of co-accused, namely, Afsana Khatoon, who is his wife.

Considering the aforesaid facts and circumstances of the case, as thrust of allegation is available against co-accused, Afsana Khatoon, where, implication of this petitioner appears



being witness of the agreement to sale and moreover, the remedy to the informant is available under civil prosecution, accordingly above named petitioner, in the event of his arrest or surrender before learned court below within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Dehri (Rohtas) /concerned Court, where the case is pending in connection with Dehri (T) P.S. Case No. 507 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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