

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17650 of 2023

Arising Out of PS. Case No.-977 Year-2022 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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RUKHSAR SHEKH S/O- YUNUS SEKH Mohalla- Faridi Katra Pakki Sarai
Road Ps- Nagar Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Rajeev Ranjan, Adv.
For the Opposite Party/s	:	Mr.Brajendra Nath Pandey, APP
For the Informant	:	Mr.Shanti Bhushan Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 26-06-2023 Heard learned counsel for the petitioner, learned counsel
for the informant and learned APP for the State.

Petitioner apprehends his arrest in connection with
Muzaffarpur Nagar P.S. Case No.977/2022, registered for the
offence punishable u/s 420, 467, 468, 471, 406 of the IPC.

As per the prosecution case, the informant gave
Rs.17,50,000/- to the petitioner for purchasing his house but
despite several requests, the sale deed was not executed in the
name of informant. Thereafter, all the FIR named accused
persons including the petitioner with intention to cheat the
money of informant, sold the land and house to another person.

It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has committed no offence. He



has been falsely implicated in this case due to ulterior motive. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. Informant paid Rs.17,50,000/- for execution of sale deed of a land and agreement between the parties was made. In the agreement, it was mentioned that petitioner has paid all the amount before 31.03.2021 but informant has not paid the same, thereafter, the petitioner sold the said land after eight months to another person. It is further submitted that the matter relates to civil dispute. Petitioner has no criminal antecedent.

Learned APP for the State as well as learned counsel for the informant opposed the prayer for bail by submitting that it is an admitted position that the informant has paid Rs.17,50,000/- to the petitioner but the said money has not been returned by the petitioner.

Having regard to the facts and circumstances of the case and considering the nature of allegation, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

This application is accordingly dismissed.

However, petitioner is at liberty to surrender before the



learned court below within a period of six weeks from today
and seek regular bail and the learned Court below would pass
order, preferably, on the same day, in accordance with law,
considering that there is a civil dispute between the parties.

(Anjani Kumar Sharan, J)

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