

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24071 of 2023

Arising Out of PS. Case No.-405 Year-2019 Thana- GAYA COMPLAINT CASE District-
Gaya

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1. GHULAM ZILANI @ GULAM JILANI son of Late Ghulam Ghaus @ Gulam Gous Village- Laxmipur Ps- Belaganj Dist- Gaya
 2. Md. Quaiser @ Kaisar son of Zameeruddin Village- Agthu Dargah Pokhar Ps- Belaganj Dist- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sideshwar Prasad Yadav son of Late Jaglal Yadav Village- Naugarh Ps- Chakand Dist- Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Md. Ataul Haque, Advocate
For the Opposite Party/s	:	Mr. Satya Nand Shukla, APP
For the Complainant	:	Mr. Praveen Kumar, Advocate
		Mr. Uday Pratap Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-07-2023 1. Heard learned counsel for the petitioners and learned A.P.P. for the State along with learned counsel for the complainant.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 420 and 34 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that the petitioner no. 1 has antecedent of one case and petitioner no. 2 is a person with clean antecedent and the complainant alleges that on 21.08.2013 an agreement was entered with Moaris Immanuel



for a piece of land on the ground that land belongs to him and an amount of Rs. 10,71,000/- was paid in lieu of the agreement, but later he came to know that Immanuel has filed a Title Suit No. 331 of 2017 in the Court of learned Sub-Judge-XII, Gaya for declaration of possession over the land.

4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case, it is next submitted that from bare perusal of the allegation as alleged in the FIR, it would manifest that agreement was entered in between the complainant and Immanuel with respect to a land which Immanuel claimed to be belonging to him, it is next submitted that the petitioner no. 1 is a purchaser of the same land from Immanuel and petitioner no. 2 is an identifier on the sale deed, it is next submitted that it absolutely does not stand to reason that what role the petitioners played in the fraud, if fraud was committed, it was committed by Immanuel who cheated the complainant after receiving an amount of Rs. 10,71,000/-. It is not the case of the complainant that petitioners in any manner were instrumental in getting the agreement executed in between the complainant and Immanuel.

5. Learned A.P.P. for the State along with learned counsel for the complainant opposes the prayer for anticipatory



bail of the petitioners, but are not in a position to rebut the submissions of the learned counsel for the petitioners that petitioners, in no manner, were instrumental in getting the agreement executed in between the complainant and Immanuel.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Complaint Case No. 405 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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