

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26962 of 2023

Arising Out of PS. Case No.-33 Year-2023 Thana- PIRBAHOR District- Patna

MD. NAUSHAD ALAM SON OF LATE KHURSID ALAM R/O
ALAMGANJ, PIRVESH MARKET, GULZARBAGH, P.S.- ALAMGANJ,
DISTRICT- PATNA

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate Mr. Sushmita Singh, Advocate Mr. Atul Kumar Mehta, Advocate
For the Opposite Party/s	:	Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 17-07-2023 1. Heard learned counsel for the petitioner and learned A.P.P. for the State.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 406, 409, 420, 467, 468, 471, 120(B) of the Indian Penal Code.
3. Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that petitioner sold his house alongwith the land to him for Rs. 27,00,000/- which was mortgaged with the bank and thus was cheated.
4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is



next submitted that the date of occurrence is 2019 and complaint came to be filed on 07.12.2022 and thereafter the FIR came to be instituted on 06.01.2023. It is next submitted that a specific pleading has been made at Para 24 of the anticipatory bail application, wherein it has been pleaded that informant never paid any money in respect of the sale deed dated 06.05.2019 and the petitioner had never received any amount in this respect, therefore all the transactions are bad and neither mentioned in the sale deed in the recital regarding payment transaction details.

5. The learned counsel for the petitioner thus submits that even the sale deed does not contain recital as to how Rs. 27,00,000/- was paid by the informant to the petitioner. It is next submitted that petitioner asserts and submits that he has not sold his property in question to the informant rather the informant and the petitioner being businessman were known to each other and taking advantage of the relationship, a forged and fabricated sale deed was executed. It is also submitted that petitioner himself has filed title suit No. 180 of 2021 for getting the alleged sale deed canceled.

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



7. 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 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) 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 Pirbhahore P.S. Case No. 33 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Adnan/-

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