

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37632 of 2023

Arising Out of PS. Case No.-34 Year-2023 Thana- JOGBANI District- Araria

MD. AYUB ANSARI @ AYUIB Son of Late Halim Ansari Resident of
village - Haziganj, South Maheshwari, ward no. 19, P.S. - Jogbani, Distt .-
Araria

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Prasad Singh, Advocate

For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 21-07-2023 1. Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.
2. This is an application for grant of anticipatory bail
in connection with Jogbani PS case no. 34 of 2023, registered
for the offences punishable under Section 354(B) and other
allied sections of the Indian Penal Code.
3. The allegation is regarding the petitioner having
arrived at the house of the informant and told him that he
requires money for purchase of coal and for that purpose, he is
ready to sell his land in question, whereupon an agreement
dated 12.09.2019 was entered into in between the petitioner and
the informant and her husband and a sum of Rs. 1 lac was given
to the petitioner with a stipulation that in case, he did not return the



same within a period of 11 months, the land would be transferred in the name of the informant and her husband, however, neither the land was transferred nor the aforesaid amount of Rs. 1 lac was returned.

4. The learned counsel for the petitioner submits that the petitioner is innocent, he has been falsely implicated in the present case and is having a clean antecedent. The learned counsel for the petitioner has further submitted that at best, the dispute in question can be said to be a dispute of civil nature, hence, if the informant so desires, she may approach the competent civil court having appropriate jurisdiction for redressal of her grievance and enforcement of the agreement in question, however, no criminal offence is made out.

5. *Per contra*, the learned APP for the State has vehemently opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the dispute in question is *prima facie* in the nature of civil dispute, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail.



7. Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of A.C.J.M.-V, Araria in connection with Jogbani PS case no. 34 of 2023, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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