

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38074 of 2023

Arising Out of PS. Case No.-158 Year-2022 Thana- KATIHAR MUFFASIL District- Katihar

1. MD. NAEEM Son of Late Abdul Hai Resident of village - Makhdampur, P.S.- Muffasil, District - Katihar.
2. Khusbu Khatoon Wife of Md. Naeem Resident of village - Makhdampur, P.S.- Muffasil, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rishikesh Ojha
For the Opposite Party/s : Mr. Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-08-2023 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 406, 420, 504, 506 and 34 of the Indian Penal Code.

3. The informant alleges that an agreement for sale was executed in between the parties, for purchasing a land for a consideration of Rs. 7 lacs out of which Rs. 5,70,000/- was paid to petitioner No. 1 on 26.11.2020, further, on 28.11.2020, petitioner No. 1 also received an amount of Rs. 4 lacs from him for treatment of his wife but despite request, sale deed was not executed.

4. Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and petitioner No. 2 is a women.

5. 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 allegations as alleged in the FIR, it would manifest that the dispute is purely civil to which a criminal colour has been given, it is next submitted that if what has been alleged in the FIR is true then the informant has remedies available in law in redeeming the amount which he alleged to have given to the petitioner, learned counsel asserts and disputes the allegation.

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

7. 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 Katihar Mufassil P.S. Case No. 158 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

HarshPandey/-

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