

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39627 of 2023

Arising Out of PS. Case No.-167 Year-2011 Thana- KASBA District- Purnia

MD SAMSD ALAM @ SHAMSAD ALAM S/O LATE ABDUL WAHAB
R/O Village- Alam Nagar, Kanwapara, PS. Kasba, Dist. Purnea

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. MADAN LAL VISHWAS S/O LATE UTTAM LAL VISHWAS R/O
Village- Sadhuwaili, PS. Kasba, Dist. Purnea

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh, Adv
For the Opposite Party/s : Mr. Dilip Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 08-08-2023 Heard learned counsel for the petitioner as well as learned
APP for the State.

2. The petitioner apprehends his arrest in a case registered
for the offence punishable under Sections 420, 379, 406 and
other allied Sections of the Indian Penal Code.

3. As per the FIR, the informant gave Rs.1,88,000/- to the
petitioner and co-accused Md. Azad in three installments for the
purpose of purchasing a land and the accused persons gave
possession of the said lands to the informant and since then the
informant is doing farming on the said land. It is alleged that the
informant requested the accused persons to take the
consideration money and execute sale deed in his favour, upon



which the accused persons assured him that they will execute the sale deed. It is alleged that the petitioner and other co-accused persons went to the aforesaid land and started cutting crops. It is also alleged that when the informant forbade them, he was assaulted by the accused persons.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and have committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He submits that after investigation, the police has filed final form against the petitioner but differing with the same, learned Court below took cognizance against him. Petitioner has no criminal antecedent, as also mentioned in para-3 of the bail application.

5. Learned APP for the State opposed the prayer for anticipatory bail.

6. Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his/her arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two



sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Kasba P.S. Case No.167 of 2011, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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