

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48497 of 2023

Arising Out of PS. Case No.-41 Year-2021 Thana- PURNIA COMPLAINT CASE District-
Purnia

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Md. Ilfaz Alam Son Of Md. Taufique Ali Resident Of Village Adampur
Mogal Toli, P S K.Nagar District Purnia

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Navin Kumar
For the Opposite Party/s : Pushpa Sinha

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

- 2 22-08-2023 Heard learned counsel for the petitioner and the State.
2. The petitioner apprehends arrest in a case registered for the offence punishable under sections 406 and 420 of the Indian Penal Code.
3. As per the prosecution case, petitioner did not execute the sale deed in favour of the complainant even after receiving consideration money in advance.
4. Learned counsel appearing for the petitioner denies the allegation and submits that the petitioner is merely a middle man in the transaction and he is neither a vendor nor a vendee. Dispute is predominantly of civil nature and the petitioner has the remedy under the Specific Relief Act. At best it is a case of breach of agreement and no offence of cheating is made out against the petitioner. Petitioner claims clean antecedent.
5. Considering the aforesaid facts of the case, prayer for bail of the petitioner is allowed. In the event of arrest/surrender within six weeks from today, let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of



Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate 1st class, Purnea in Complaint Case No. 41 of 2021, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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