

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53571 of 2023

Arising Out of PS. Case No.-736 Year-2022 Thana- GAYA MUFASIL District- Gaya

1. MD. SAMDEEN @ MD. SHAMSUDDIN Son of Late Md. Abdul Gafur Resident of Naya Bazar, Bhatta Mohalla, Near Gausiya Masjid, P.S.-Bank More, District-Dhanbad (Jharkhand)
2. MD. AFJAL HUSSAIN Son of Md. Samdeen @ Md. Shamsuddin Resident of Naya Bazar, Bhatta Mohalla, Near Gausiya Masjid, P.S.-Bank More, District-Dhanbad (Jharkhand)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 24-08-2023 Heard learned counsel for the petitioners and the State.

2. Petitioners apprehend arrest in a case registered for the offences punishable under Sections 406, 420/34 of the Indian Penal Code.

3. As per prosecution case, petitioners entered into an agreement with the informant for the sale of land. It is alleged that these petitioners took Rs. 38,84,000/- (thirty eight lacs eighty four thousand) but registered the land of Rs. 10,00,000/- (ten lacs) only.

4. It is submitted that these petitioners have already registered the sale deed in favour of the informant according to



the agreement and the two cheques of Rs. 4,00,000/- (four lacs) which were given by the informant have bounced due to insufficient balance for which petitioners have already filed a complaint case against the informant. He next submits that mere failure to keep up promise does not give rise to criminal prosecution of cheating. Petitioners has got clean antecedent.

5. Considering the aforesaid facts and circumstances of the case, this anticipatory bail is allowed and it is ordered that let the above named petitioners in the event of their arrest/surrender before the court below within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 1st Class, Gaya in connection with Mufassil P. S. Case No. 736 of 2022, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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