

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50216 of 2023

Arising Out of PS. Case No.-32 Year-2023 Thana- ISHAKCHAK District- Bhagalpur

MD. ALAM @ ASHRAF ALAM SON OF MD. IMTIAZ RESIDENT OF
MAULANA CHUCK, POLICE STATION - MOJAHIDPUR, DISTRICT -
BHAGALPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Najmul Hodda

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 01-11-2023

1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Ishakchak P.S. Case No. 32 of 2023 dated 18.02.2023 registered under Sections 341 / 342 / 327 / 427 / 420 / 379 / 120 B / 34 of the I.P.C.

3. As per the F.I.R. on 12.02.2023 the informant came to know that five accused persons including the petitioner along with some unknown persons have broken the lock of the informant's house, looted and damaged the articles of the house and they were doing plotting of the land of the informant. The accused persons looted all articles i.e. iron rod, window, gate, grill and bricks of the house due to which the informant suffered a loss of Rs. 40 Lakh.



4. Learned counsel for the petitioner submits that petitioner has falsely been implicated on the basis of a concocted story. The fact of the matter is that informant approached the co-accused / Md. Daud Khan and other accused persons for sale of his abandoned house and land for which agreement for sale was made between the informant and the co-accused / Md. Daud Khan. Thereafter all the accused persons started transferring money in the account of the informant including the petitioner and a total amount of Rs. 65 lakhs have been transferred in the bank account of the informant by the accused persons which would be evident from the statement of account annexed at Annexure-2. It has further been submitted that when the accused persons requested the informant to execute sale deed in their favour, the informant flatly denied and hiked the price of the land. Learned counsel further submits that informant has now disagreed to sale the property and has returned the amount received by him through bank account in favour of the petitioner and other accused persons.

5. Regard being had to the submissions made by the parties, taking into consideration the fact that there appears to be a transaction of property between the informant and the other



accused persons, according to the petitioner sale has now failed and money has been returned by the informant in favour of the petitioner and others, as such, I am inclined to grant anticipatory bail to the petitioner.

6. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of A.C.J.M.- IX, Bhagalpur in connection with Ishakchak P.S. Case No. 32 of 2023 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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