

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51397 of 2022

Arising Out of PS. Case No.-185 Year-2021 Thana- KHODAWANDPUR District- Begusarai

AMIR ALI @ MD.AMIR ALI S/O LATE SHEKH YASIN Resident of
village- Paroda, P.S.- Khodawandpur, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ajay Kumar Thakur, Advocate Mr. Ritwik Thakur, Advocate Ms. Vaishnavi Singh, Advocate Mr. Malay Kumar Choudhary, Advocate
For the Opposite Party/s :	Mr. Parmanand Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 9 18-07-2023 1. Heard learned counsel for the petitioner, learned A.P.P. for the State and learned counsel for the informant.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 419 and 420/34 of the Indian Penal Code.
3. Learned counsel for the petitioner submits that petitioner has antecedent of one case.
4. The informant alleges that in 2017 he gave a loan of Rs.5 lakhs to the brother of this petitioner for six months but the money was not returned in time but in 2018-19 Rs.2 lakhs was returned, further a panchayati was convened on 20.07.2021 in which the accused assured that they will sell their own land to the informant for a consideration amount of Rs.6 lakhs



accordingly he gave Rs.3 lakhs to the accused after deducting his due loan amount but the accused persons did not execute the sale deed.

5. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the dispute is purely civil in nature and a criminal colour has been given. It is next submitted that if what has been alleged by the informant in the FIR is true then he has remedy available in law but then he cannot coerce the petitioner into submission to part with the money which he never received.

6. Learned A.P.P. for the State and learned counsel for the informant opposed the prayer for anticipatory bail of the petitioner but are not in a position to rebut the submission of the learned counsel for the petitioner that the dispute is civil in nature for which he has remedy available in law.

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/-



(Rupees Ten 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 Khodawandpur (Chhaurahi O.P.) P.S. Case No. 185 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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