

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52067 of 2022

Arising Out of PS. Case No.-2050 Year-2019 Thana- PURNIA COMPLAINT CASE District-
Purnia

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ABU SAHEMA S/O MASIH Resident of village- Devaria, P.S.- Araria,
District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. ASAD IMAM S/O MD. ATIK Resident of Mohalla- Naya Tola, Line Bazar,
P.S.- K. Hat, Sahayak, District- Purnea.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal, Sr. Advocate Dr. Bidhu Ranjan, Advocate
For the Opposite Party/s :		Mr. Abhay Kumar, A.P.P. Mr. Raj Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

9 10-07-2023 Heard learned counsels for the parties.

Petitioner apprehends arrest in case registered for the offences punishable under Sections 420, 406, 468, 471/34 of the Indian Penal Code.

As per prosecution case, the complainant made payment of Rs. 60,00,000/- to the petitioner for the purpose of purchasing land but neither the sale deed was executed nor the said amount was returned to him.

It is submitted that from bare perusal of complaint case, it is manifest that the money was paid under a written agreement and this petitioner has not cheated the complainant. It



is not a criminal case rather the informant tried to give it a colour of criminal case. There is no chit of paper to show that the petitioner has entered into agreement without having any ownership over the land in question.

Learned counsel for the opposite party No.2 opposes the prayer for bail application and submits that there is specific allegation that this petitioner along with other accused person entered into an agreement and received Rs. 60,00,000/- from the complainant and thereafter, refused to execute the sale deed.

Considering the nature of allegation and facts of the case, prayer for anticipatory bail of the petitioner is refused.

(Prabhat Kumar Singh, J)

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