

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53959 of 2022

Arising Out of PS. Case No.-406 Year-2020 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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MD. MUMTAZ SON OF RAFIQUE @ MD. RAFIQUE R/O VILLAGE-
RAJPUR, P.S.- RAJPUR, DISTRICT- ROHTAS

... .. Petitioner/s

Versus

1. The State of Bihar
2. AAMIR ANSARI SON OF LATE ANWAR ANSARI R/O VILLAGE AND
P.O.- PADARIYA, P.S.- BAGHELA, DISTRICT- ROHTAS (BIHAR)

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Shankar Kumar
For the Opposite Party/s :	Mr.Mithlesh Kumar Khare
	Mr. Chhotelal Mishra

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 18-05-2023 Heard learned counsel for the parties.

The petitioner apprehends his arrest in a complaint case punishable for the offence under Sections 406, 417 of the Indian Penal Code.

Allegation against petitioner is that he made an agreement to sale his land to the complainant and in pursuance thereof, complainant paid Rs. 1,90,000/-, but it is alleged that neither this petitioner executed sale-deed in favour of complainant nor returned the alleged money.

It is submitted that petitioner is innocent and has falsely been implicated in this case. It is further submitted that it is purely a money dispute. Petitioner has got clean antecedent.



However, by filing supplementary affidavit, learned counsel for the petitioner submits that petitioner has returned the amount of Rs. 1,90,000/- and Rs. 15,000/- to the complainant vide two cheques bearing No. 159859 and 159861 who got it en-cashed on 17/08/2020 and 04/09/2020 in the name of his full brother, Ekbal Ansari, who is witness No.2 in the complaint petition.

Learned counsel for the State and the O.P. No.2 opposed the prayer for bail and submitted that alleged amount was paid to the brother of the complainant.

Considering the aforesaid facts and circumstances, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, 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 learned A.C.J.M.-II, Bikramganj, Rohtas in connection with Complaint Case No. 406 of 2020, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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