

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53942 of 2022

Arising Out of PS. Case No.-116 Year-2022 Thana- DURGAWATI District- Kaimur (Bhabua)

1. SHAMSHAD ANSARI @ SHAMSAD ANSARI S/o Karmulla Ansari Resident of Village- Nuon, P.S.- Durgawati, District- Kaimur (Bhabua).
2. Afjal Ansari @ Md. Afjal Ansari S/o Ajimulla Ansari Resident of Village- Nuon, P.S.- Durgawati, District- Kaimur (Bhabua).
3. Karmulla Ansari S/o Late Samshul Haque Ansari Resident of Village- Nuon, P.S.- Durgawati, District- Kaimur (Bhabua).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mohammad Sufyan, Advocate
For the Opposite Party/s : Mr.Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-01-2023 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in connection with Durgawati P.S. Case No. 116 of 2022 for the offence registered under Sections 406, 420 and 120(B) of the Indian Penal Code.

As per the prosecution story, the informant alleged that he had agreed to sell his land for Rs. 9,95,000/- of which 1 lakh was paid in cash to the informant and remaining amount of Rs. 8,50,000/- was to be deposited in SBI account. Further allegation is that the informant and his daughters went to the



registry office and executed a sale deed in 2021 in favour of the petitioner no. 3 and Ajimulla Ansari. The petitioners thereafter on the pretext of updating their pass book took it with them and also took some signatures on cheques but later after updating the account, it was found that the entire amount has been withdrawn by the petitioner's side. Accordingly, the FIR was lodged.

Learned counsel for the petitioners submit that though after the payment was made by the petitioner's side, sons of the informant executed some piece of land for which they had already agreed to sale to the petitioner's side. Subsequently, a 'Panchayati' was held.

However, the petitioners counsel submitted that irrespective of the said '*panchayti*' and/or the sale of the land by his sons, the petitioners intend to pay Rs. 9,32,000/- as alleged by the informant to end the matter.

In view of the fair submission made by the learned counsel for the petitioner and further they do not have criminal antecedent, this Court is inclined to grant them privilege of anticipatory bail, subject to the payment of Rs. 9,32,000/- .

Let the petitioners, in the event of arrest or surrender within a period of four weeks from the date of receipt of the



order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kaimur at Bhabua in connection with Durgawati P.S. Case No. 116 of 2022, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

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