

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55654 of 2022

Arising Out of PS. Case No.-304 Year-2020 Thana- MADHUBAN District- East Champaran

Ajajul Rahman S/O Mohammad Sharif Mian Resident Of Village-
Harnathpur, P.S.- Pakridayal, District- East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Singh
For the State	:	Mr.Sanjay Kumar Tiwary
For the Opposite Party	:	Mr. Prateek Tandon

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 17-01-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner has filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 419, 420/34 of the Indian Penal Code.

The prosecution case in nutshell is that the informant entered in to an agreement for purchase of land. On the assurance by the vendors that one of the share holders, namely, Fazal Seikh @ Md. Fazlu Rehman would be present and on payment of the total consideration amount to him the other persons would execute the sale deed in favour



of the informant. It is alleged that the informant paid different amounts on different dates. A total sum of Rs. 17,00,000/-(Seventeen Lakhs) was paid but the sale deed has not been executed.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and he has falsely been implicated in the present case as he is father-in-law of the co-accused Rahaman Fazal Sheikh @ Fajal Rahaman @ Fajul, who has assured to sell his land in favour of the informant. It is also submitted that petitioner is languishing in judicial custody since 31.07.2022. Petitioner is not the owner of the land in question and he has neither received the money nor he is guarantor of the money in question. He has no role in this case and there is no question of fraudulently deceiving the informant by the petitioner to the informant. This case comes within the preview of civil in nature. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. Moreover, similarly situated co-accused person has been granted Bail vide order dated 22.09.2021 passed in Cr. Misc. No. 18994



of 2021 by the co-ordinate Bench of this Court.

Learned APP appearing for the State has vehemently opposed the prayer for Bail.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Madhuban P.S. Case No. 304 of 2020 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Motihari, East Champaran.

(Sunil Kumar Panwar, J)

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