

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59589 of 2023

Arising Out of PS. Case No.-520 Year-2023 Thana- BHABHUA District- Kaimur (Bhabua)

1. MD. ZAFAR KHAN @ BANTI son of Md. Avarar Village- Babura Ps- Bhabua Dist- Kaimur at Bhabua
2. MD. SUHAIL KARIM son of Abdul Khair Village- Chhatarpur Ps- Chauri Dist- Bhojpur Ara

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar Singh, Advocate
For the Opposite Party/s : Mr.Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-10-2023 Heard learned counsel for the petitioners and learned
APP for the State,

2. The petitioners apprehend their arrest in connection with with Bhabua P.S. Case No. 520 of 2023, for the offence registered under Sections 420, 406 of the Indian Penal Code lodged on 10.06.2023 by the informant, Badrun Khaoon.

3. As per the prosecution story, the allegation in the F.I.R. is that the petitioner No.1, who is known to the informant informed that petitioner No.2 intends to sell a land at Bhabhua. Accordingly, the consideration amount was fixed as Rs.2,40,000/-. The allegation is that the husband of the informant paid Rs. 1,60,000/- as advance to petitioner No.2 as advance as also the petitioner No.1 took Rs.16,000/- as broker's fees. An agreement was also signed on 08.07.2022 according to which the land was to be executed within three months.



4. Learned counsel for the petitioner submits that it is the case of the informant that they had the intention to cheat as subsequently, they started evading the informant's husband and accordingly, the F.I.R.

5. It is the case of the petitioner that an agreement is not signed on non-judicial stamp of Rs. 50/- and false allegation has been made in the matter.

6. Mr. Jitendra Kumar Singh, learned APP for the State opposes the prayer for bail and submits that the Court in the anticipatory bail has only to see whether the prima facie allegation is made out against the petitioner or not. Here in this case, it is clear that in the garb of selling of the land, both the petitioner Nos.1 and 2 connived and cheated the informant.

7. Taking into account the kind of allegation that has come against the petitioners, this is certainly not a fit case for extension of anticipatory bail which is accordingly rejected.

(Rajiv Roy, J)

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