

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58838 of 2022

Arising Out of PS. Case No.-747 Year-2021 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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MD. FAIJULLAH S/o Lage Jamal Ahmad Resident of village- Imadpatti,
P.S.- Chakia, District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. MEMARUL ISLAM S/o Md. Ishteyak Ahmed Resident of Brindavan, Tola Alagbani, P.S.- Kalyanpur, District- East Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Asif Kalim

For the Opposite Party/s : Mr.Ashok Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 13-04-2023 Heard learned counsel for the petitioner and the State.

Petitioner apprehends his arrest in a case registered for the offence punishable under Section 406 of the Indian Penal Code.

As per the prosecution case, the informant gave Rs. 5,50,000/- to the petitioner for purchasing a piece of land but petitioner neither executed the sale deed nor returned the money.

Learned counsel appearing for the petitioner submits that petitioner is innocent and has falsely been implicated in the case. It is further submitted that Complaint case has been lodged after nine years of delay without any plausible explanation. It is next submitted that petitioner has been implicated in this case



only to harass him and to put pressure upon him to compromise Chakiya PS case No. 30/2022 lodged by petitioner against O.P. No.2 for the fraud committed by O.P. No.2 against the petitioner. Petitioner has got clean antecedent.

Learned counsel appearing for the State and the informant opposed the prayer for anticipatory bail and submitted that there is specific allegation against the petitioner that he took Rs. 5,50,000/- from the informant but he neither returned the money nor executed the sale deed.

Considering the nature of accusation and gravity of the offence, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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