

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62657 of 2023

Arising Out of PS. Case No.-705 Year-2022 Thana- LAHERIYASARAI District- Darbhanga

MD. MAHTAB ALAM Son of Md. Anwar Mohalla- Chak Jamal Shivdhara
Ps- Sadar Mabbi OP Dist- Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jamil Akhtar son of Abdus Salam Mohalla- Imambari Ps- Laheria Sarai
Dist- Darbhanga

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mazharul Hassan

For the Opposite Party/s : Mr.Dinesh Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 16-10-2023 Heard learned counsel for the petitioner and the
State.

2. Petitioner apprehends arrest in a case registered for
the offences punishable under Sections 406, 420, 504 and 506 of
the Indian Penal Code and 138 of N.I. Act.

3. It is alleged that despite taking consideration
money from the informant, petitioner did not execute the sale
deed of the land nor refunded the money to the informant.

4. It is submitted on behalf of the petitioner that no
chit of paper has been filed in support of the allegations. Mere
failure to keep up the promise does not give rise to criminal
breach of trust unless a fraudulent or dishonest intention was



present right from the beginning of the transaction. Petitioner has not taken single penny from the informant. Case is of purely of civil nature.

5. Considering the facts and circumstances of the case, this anticipatory bail is allowed and it is ordered that let the above named petitioner in the event of his arrest/surrender before the court below 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 Chief Judicial Magistrate, Darbhanga/concerned court below in connection with Laheriasarai P. S. Case No. 705 of 2022, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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