

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63722 of 2023

Arising Out of PS. Case No.-74 Year-2023 Thana- KARJA District- Muzaffarpur

Maulana Reyajuddin @ Md. Moalana Reya Juddin Son Of Late Maulavi
Habib Village- Naya Tola, Basatpur, Ps- Karja, Dist- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Arun Kumar Jaiswal Daughter Of Late Sukhdeo Chowdhry Village-
Barkagaon, Ps- Karja, Dist- Muzaffarpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.N.K., Agrawal, Sr. Adv
		Mr.Mazharul Hassan, Adv
For the Opposite Party/s	:	Mr.A. Dayal, APP
For the Informant	:	Mr.Bhavesh Kumar, Adv

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 17-10-2023 Heard Mr. N.K. Agrawal learned Senior counsel for
the petitioner assisted by Mr. Mazharul Hassan, learned APP for the
State and learned counsel for the informant.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Karja P. S. Case No. 74 of 2023 registered for the offences punishable under Sections 406 and 420 of the Indian Penal Code. He has got no criminal antecedent.

3. Learned Senior Counsel for the petitioner submits that the informant in his written report alleged that on the advice of the petitioner he paid Rs. 13 lakhs 40 thousand to the petitioner for purchase of a piece of land in partnership but the petitioner got the sale deed executed in his own name.

4. Learned Senior counsel for the petitioner submits



that from the prosecution story itself it would appear that the petitioner and the informant both were friends and they had decided to purchase a piece of land jointly in partnership but the allegation is that the informant got the land executed in his own name and that led to the present dispute. Learned Senior counsel for the petitioner on instruction submits that as per the informant's case now a sum of Rs. 7 lakh 25 thousand remains with the informant. It is submitted that without prejudice to the contentions of the petitioner, he is ready to pay Rs. 7 lakh 25 thousand to the informant in two installments within a period of three months from today.

5. Learned counsel for the informant submits that if the petitioner pays the outstanding amount of Rs. 7 lakh 25 thousand within the given period of three months, the informant shall take appropriate steps not to prosecute the petitioner further and all required steps will be taken to ensure that he is duly discharged.

6. Having regard to the kind of submissions made on behalf of the parties, this Court directs that petitioner above named in case of his arrest or surrender within a period of six weeks from today, be released on bail in connection with Karja P. S. Case No. 74 of 2023 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of Court No. 7 of learned Judicial Magistrate, 1st Class, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



7. And subject to the condition that at the time of furnishing the bail bond, the petitioner would make available a demand draft/bankers cheque in favour of the informant for at least 50 per cent of the total amount of Rs. 7 lakhs 25 thousand and the rest of 50 percent shall be made available to the informant-O. P. No. 2 within one and a half months thereafter. In any case the total payment must be made within a period three months from today.

8. On such payments having been received by the informant-O. P. No. 2 he would be obliged to fulfill his part of the promise to ensure that the prosecution is finally dropped.

9. In case of failure of the petitioner to abide by his assurance as recorded hereinabove, it will be open to the informant-O. P. No.2 to file an appropriate application for cancellation of bail bonds.

10. This application is disposed of.

(Rajeev Ranjan Prasad, J)

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