

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69866 of 2022

Arising Out of PS. Case No.-124 Year-2022 Thana- GAYA COMPLAINT CASE District-
Gaya

MD. MANSOOR ANSARI Son of Late Md. Usman Ansari R/o Mohalla -
Gewal Bigha, Munni Masjid, P.S.- Rampur, District - Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shafi Ahmad Son of Shami Ahmad R/o Mohalla - Aliganj, Road No.- 12/C,
P.S.- Chandauti, District - Gaya 823001.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Yadav

For the Opposite Party/s : Mr.Madhura Nand Jha

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 17-04-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 420 of the
Indian Penal Code.

As per prosecution case, the petitioner's wife was
serious and he was in need of money. So, he wants to sell his
land. Complainant came in contact with the petitioner and rate
was fixed. The complainant transferred Rs. 5,00,000/- in
advance in the account of petitioner, an agreement was prepared
in which accused person put his signature and the date of
execution of sale deed was fixed within two months from the



date of agreement after that the petitioner agreed to execute deed of sale in favour of complainant, which became failed.

Learned counsel for the petitioner submits that no such occurrence as alleged ever took place. He has been falsely implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He stated in the bail application that amount of Rs. 2,50,000/- has been returned to the said Afreen Bano. He submits that there is civil/money dispute between the parties. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State opposes prayer for anticipatory bail and submits that process of 82 and 83 has been issued against the petitioner, therefore, anticipatory bail application is not maintainable.

Considering the facts and circumstances of the case, perusal of records it is clear that process of 82 is not validly served upon the petitioner and on the same day process of 83 has been issued, it is clear from the Annexure A3 of the counter affidavit filed by opposite party no.2, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of



six weeks from today, on furnishing bail bond of Rs. 25,000/-
(Rupees Twenty Five Thousand) with two sureties of the like
amount each to the satisfaction of the learned Court below
where the case is pending/successor Court in connection with
Complaint Case No. 124 of 2022, subject to the condition as
laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

anand/-

U		T	
---	--	---	--

