

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71445 of 2023

Arising Out of PS. Case No.-645 Year-2018 Thana- GAYA COMPLAINT CASE District-
Gaya

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MAHTAB ALAM @ MD. MAHTAB ALAM @ MEHTAB ALAM son of
Late Nabi Alam @ Late Abdul Nabi Alam Village- Aliganj Road No-2, Po-
Head Post Office, Ps- Chandauti Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gulam Mustafa son of Md. Rahim Village- Serthua Ps- Makhdumpur Dist-
Jehanabad

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shakib Ayaz, Advocate.
For the Opposite Party/s : Mr.Anil Kumar, APP.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 07-11-2023 Heard Mr. Shakib Ayaz, learned counsel appearing

on behalf of the petitioner and Mr. Anil Kumar, learned APP for

the State.

2. The petitioner seeks pre-arrest bail in connection
with Complaint Case No. 645 of 2018 registered for the offence
punishable under Sections 406, 420 and 120B of the Indian
Penal Code.

3. Allegation against the accused persons is of taking
consideration money for executing sale deed, but neither the
consideration money was returned nor sale deed was executed.

4. Learned counsel appearing on behalf of the
petitioner submitted that the petitioner undertakes to settle the



dispute amicably with the complainant.

5. Considering the submission made on behalf of the petitioner, petitioner is directed to file an affidavit that he is ready to settle the dispute amicably with the complainant and if such affidavit is filed, the District Court is directed to call upon the complainant (opposite party no.2) and seek consult of the complainant. In case he agrees to the undertaking given by the petitioner and is ready to settle the dispute amicably, the petitioner is directed to return the entire amount within a period of three months from the date of passing of this order to the complainant.

6. In case it is found that the parties have agreed for amicable settlement of the dispute, petitioner is directed to be released on provisional bail for a period of three months in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Gaya in connection with Complaint Case No. 645 of 2018, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. If the District Court finds that the entire settled



amount is returned back to the complainant by the petitioner, the provisional bail granted to the petitioner shall be made absolute and in case of failure, the bail bond of the petitioner shall be cancelled.

8. The bail application stands disposed of.

(Purnendu Singh, J)

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