

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70048 of 2022

Arising Out of PS. Case No.-50 Year-2022 Thana- SHASTRINAGAR District- Patna

1. SHAMSHAD KHAN Son of Md. Kaleem Khan Resident of Samanpura Madarsa Gali Raja Bazar, P.S- Shastri Nagar, Dist- Patna
2. Rafique Ahmad @ Md. Rafique Son of Late Nabi Baksh Resident of Samanpura Madarsa Gali Raja Bazar, P.S- Shastri Nagar, Dist- Patna
3. Anwar Rashid Son of Late Ekramul Haque Resident of Samanpura Madarsa Gali Raja Bazar, P.S- Shastri Nagar, Dist- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shakil Ahmad Son of Ekramul Haque Resident of Samanpura Madarsa Gali Raja Bazar, P.S- Shastri Nagar, Dist- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anupa Nand Jha

For the Opposite Party/s : Mr.Atul Chandra

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 09-01-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable u/s 420, 406, 467, 468, 471, 120(B) read with 34 of the Indian Penal Code.

As per prosecution case, the accused persons are alleged to have taken Rs. 10,00,000/- in lieu of a promise to



execute a sale deed pertaining a part of 3 *dhur* along with a shop constructed on plot no. 1075 on total consideration amount of Rs. 30 Lakhs in the area of Raja Bazar Market in Patna in favour of the informant. However, after taking the said amount, the accused persons denied executing the sale deed in favour of the informant.

Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. Title Suit No. 268 of 2018 and Title Suit No. 119 of 2020 are pending against the petitioner and other different suits have been filed by the informant. Learned counsel has further submitted that Noor Fatima Khatoon has also filed a suit against the informant for eviction. The petitioners no. 1,2 and 3 are accused in one more criminal case which was filed by the informant and their family member as stated at para 3 of the bail petition.

Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners.

Considering the aforesaid facts and circumstances, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount



each to the satisfaction of learned Court concerned, Patna in connection with Shastrinagar P.S. Case No. 50 of 2022, subject to conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

This application stands allowed.

(Chandra Prakash Singh, J)

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