

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16761 of 2024

Arising Out of PS. Case No.-343 Year-2023 Thana- ARARIA District- Araria

Bibi Falatun @ Fulia W/o- Late Habibur Rahman R/o Village- Ajmatpur PS-
Araria (Bairgachhi) Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md Naushaduzzoha, Adv.

For the Opposite Party/s : Mr.Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 22-03-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Araria PS Case No. 343 of 2023 dated 11-04-2023, instituted
under Sections 467,468,341, 323, 504, 379/34 of the IPC

3. The prosecution case, in short, is that petitioner
executed an agreement for sale in favour of the informant for
consideration amount of Rs 13,50,000/- out of which, the
informant paid Rs, 2,00,000/- on 25-02-2021 and rest of the
amount shall be paid on 25-02-2021. It is further alleged that
after taking a sum of Rs 8,55,000/- on different dates till
01-01-2022 by the sons of the petitioner through their relatives,
they refused to execute the sale deed. It is further alleged that on
03-04-2023, when the informant along with some panches went



to the house of the petitioner and said to execute the sale deed or refund the money, then the accused persons misbehaved with the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is submitted that petitioner also lodged FIR against the informant and others vide Araria (Bairgachhi) PS Case No. 373 of 2023, dated 20-4-2023, under Sections 384, 420 and 506/ 34 of the Indian Penal Code. It is further submitted that informant is a broker of land of the area he used to sale and purchase of the land, and as such, about three years ago, the informant asked the sons of the petitioner about the sale of the land, but the sons of the petitioner refused to sale their land. After a long time, the informant lodged this false case with intention to grab their land. It is also submitted that dispute is predominantly of civil in nature. Lastly, it is submitted that the petitioner has no criminal antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon



furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM Araria, in Araria PS Case No. 343 of 2023 , subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

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