

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20625 of 2024

Arising Out of PS. Case No.-516 Year-2023 Thana- DHAKA District- East Champaran

Sadre Alam, aged about 38 years, Male, S/o Md. Shekh Samsuddin, R/o village- Bahasniya, P.S. - Pathahi, Dist. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 15-04-2024 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with Dhaka (Pachakari) PS Case No.516 of 2023 dated 09.09.2023, instituted under Sections 406, 420 of the Indian Penal Code.

3. It is alleged in the first information report that the informant and his brother, Mokhtar Alam, are indulged in the business of bags and the petitioner, Sadre Alam, had taken loan of rupees sixty eight lakhs from the brother of the informant on the assurance that he will return the entire amount by 22.10.2020, otherwise, he will execute the deed for four and half Kathas of land in his favour situated in village- Barharwa Siwan for which an agreement was executed by the petitioner. However, the accused has sold the said land to another person.



On demand of money by the informant, the petitioner did not return the amount to the informant or his brother.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case due to business dispute. It is further submitted that the present criminal case is purely breach of civil contract. There is no transaction of any amount in the account of the petitioner with regard to allegation of giving rupees sixty eight lakhs to the petitioner. No such amount has been invested in the business. It is further submitted that if any transaction has taken place and the document has been prepared then civil remedy is available to the informant. The informant may file money suit for recovery of the said amount. It is purely a civil dispute. The petitioner is a man of clean 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 Chief Judicial Magistrate, Motihari, East Champaran, in Dhaka



(Pachakari) PS Case No.516 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)

J. Alam/-

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