

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24066 of 2024

Arising Out of PS. Case No.-538 Year-2022 Thana- MANER District- Patna

Md. Rashid SON OF Late Md Numani VILLAGE -BANK, POLICE
STATION- MANER, DISTRICT -PATNA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-04-2024 Heard Mr. Ajay Mukherjee, learned Counsel for the
petitioner and Mr. Bharat Bhushan, learned APP for the State.

2. The petitioner apprehends his arrest in connection with Maner P.S. Case No. 538 of 2022 for the offence registered under sections 406 and 420/34 lodged on 05.08.2022 by the informant Md. Tah Usmani.

3. As per the prosecution story, the informant alleged that he made payment of Rs. 20 lakhs to the petitioner and Rs. 9 lakhs to his brother, Md. Asif Eqbal. However, neither the amount was returned nor the land was registered. The details of which has been incorporated in the FIR itself.

4. Learned Counsel for the petitioner submits that there was definitely mis-communication between the parties, he was always ready to execute the land, the further amount was



not delivered nor the informant came forward to execute the land and in between the FIR, they tried to grab the land for which complain was also made before the Public Grievance Redressal Cell. The last submission is that since the allegation has come, petitioner being a law abiding citizen is ready to pay Rs. 20 lakhs to the informant which may be subject to the final outcome of the case.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that although beside the case of cheating against him, the petitioner has criminal antecedent of same nature.

6. In view of the fact that the petitioner is ready to pay Rs. Twenty lakhs to the informant through demand draft issued by the local State Bank of India, FIR lodged, he will be facing the trial, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs. Twenty lakhs as stated above, at the time of execution of bail bond.

7. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial



Magistrate, 1st Class, Danapur/concerned Court in connection with Maner P.S. Case No. 538 of 2022, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(Rajiv Roy, J)

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