

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26549 of 2024

Arising Out of PS. Case No.-1990 Year-2018 Thana- PURNIA COMPLAINT CASE District-
Purnia

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Md. Kalam Son Of late Md. Jalil Resident Of Village- Hajipur Ward No. 17,
Ps- Khagaria, Dist- Khagaria

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Md. Sarvar Alam Son Of Md. Riyaz Resident Of Village- Babuaganj
Dantola, Ps- Khagaria, Dist- Khagaria

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Amit Kumar Anand, Advocate
For the State	:	Mr. Syed Ehteshamuddin, APP
For the Informant	:	Praveen Kr. Agrawal, Advocate

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 01-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State as well as learned counsel for the informant.

2. The petitioner apprehends arrest in connection with
Complaint Case No. 1990 of 2018 dated 02.11.2018 instituted
for the offence punishable under Sections 406, 420 of the Indian
Penal Code.

3. The prosecution case, in short, is that the petitioner
entered into an agreement to sale his share of land with the
complainant, as such, the complainant paid 3,50,000/- to the
petitioner in advance with condition that the petitioner will
execute sale deed in her favour. Allegation against the petitioner
is that he neither executed sale deed in favour of the



complainant nor returned the money.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that the petitioner is the full brother of the complainant. Allegation against the petitioner is that he took money from the complainant for sale of land bearing Khata No. 35, Khesra No. 90, total area 5.5 decimals at Mauza Madhopara for the consideration money of Rs. 4,25,000/-. It is further alleged that the agreement to sale was executed between complainant and petitioner on 27.07.2016 and advance money of Rs. 3,50,000/- was given to the petitioner to execute the sale deed in favour of the complainant. Learned counsel for the petitioner submits that nature of allegation is purely civil in nature. The petitioner denied the execution of any agreement to sale in favour of the complainant. So far the advance money is concerned, the petitioner also denied the acceptance of any amount from the complainant. Lastly, it has been submitted that petitioner has no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for anticipatory bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in



the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Complaint Case No. 1990 of 2018, he will 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 Additional Chief Judicial Magistrate-II, Purnea subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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