

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25587 of 2024

In
CRIMINAL MISCELLANEOUS No.82483 of 2023

Arising Out of PS. Case No.-108 Year-2023 Thana- ISHAKCHAK District- Bhagalpur

Md. Farid Alam S/o Md. Firoz Ali Resident of Village - Lodipur, P.s. -
Lodipur, Distt. - Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dr. Jafar Javed S/o Late Md. Ibrahim R/o Mohalla - Ishlampur Bhikhanpur,
P.S - Ishak Chak, Distt. - Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manini Jaiswal
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 08-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The present application has been filed for
modification of the order dated 07-03-2024 by which, the prayer to
grant the petitioner anticipatory bail has been rejected.

3. As per allegation, the informant was to purchase a
piece of land. An agreement for sale was entered into between the
land owner Md. Subhan @ Saban and the informant. The
informant gave Rs. 38 lakhs to the petitioner who is broker but
neither he returned the money nor he persuaded the land owner to
execute the sale deed. The petitioner filed Cr. Misc. No. 82483 of



2023 for grant of anticipatory bail. On 07-03-2024, at the time of hearing of anticipatory bail, the court wanted to know whether there is possibility of compromise in this case and whether the petitioner persuaded the land owner to execute the sale deed in favour of the informant. Learned counsel for the petitioner, on that day, at 11:25 A.M. was directed to seek instruction of the petitioner whether he was ready to compromise the case. Learned counsel for the petitioner was also directed to communicate the court about the view of the petitioner till 1:00 PM of that day but learned counsel for the petitioner did not appear on that day. It was the reason that anticipatory bail petition of the petitioner was rejected and while rejecting the anticipatory bail application of the petitioner, it was also observed that neither the conduct of the petitioner nor of the learned counsel for the petitioner was fair to the court. The Superintendent of Police, Bhagalpur was also directed to take appropriate action and report to this court within 15 days.

4. Thereafter, the petitioner filed Cr. Misc. No. 25587 of 2024 (the present case) in which, it has been mentioned that on 07-03-2024 at 11:25 A.M. counsel for the petitioner due to communication gap, could not appear to the court. It has also been submitted that the petitioner is ready to pay an amount of Rs. 38,00,000/- (thirty eight lakhs) to the informant subject to result of



the Criminal Miscellaneous proceeding initiated against the petitioner.

5. From perusal of order dated 29-03-2024, it transpires that the learned counsel for the petitioner was present in the court with a cheque of Rs. 38,000,00/- to be handed over to the learned counsel for the informant but the learned counsel for the informant was not ready to receive that amount as he was claiming at that time that he gave Rs. 1,49,50,000/- to the petitioner.

6. As the learned counsel for the petitioner was ready to return the money which has been mentioned in the FIR but the learned counsel for the informant was not ready to receive the same, the matter was referred to Patna High Court Mediation and Conciliation Centre to explore the possibility of amicable resolution of the matter and the previous order of this court rejecting the bail of the petitioner was stayed till 05-07-2024.

7. Today both parties appeared.

8. Learned counsel for the petitioner submits that the informant has specifically written in the FIR that the petitioner has received Rs. 38,00,000/- to which, he is ready to refund the informant but the learned counsel for the informant is not ready to receive that amount.

9. In the FIR, the informant has specifically stated that he gave Rs. 38,00,000/- (thirty eight lakhs) to the petitioner but



subsequently, he submitted that the petitioner has received Rs. 1,49,50,000/- which has not been written in the FIR.

10. Considering the aforesaid facts and circumstances, specially the fact that the petitioner is ready to receive Rs. 38,000,00/- but the informant is not willing to receive that amount, the present application is **allowed** and the order dated 07-03-2024 is **modified** to the extent that let the petitioner named above in the event of arrest or surrender within four weeks from today in the court below be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IX, Bhagalpur in connection with Ishakchak P.S. Case No. 108 of 2023 subject to conditions as laid down under Section-438 of the Cr.P.C.

11. The petitioner shall appear in the court below on each and every date fixed in the case and if he fails to do so on two consecutive dates, the court below shall be at liberty to cancel the bail bonds of the petitioner.

(Nawneet Kumar Pandey, J)

A.K.V.//-

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