

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27216 of 2024

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

Md. Asif Eqbal @ Md. Asif Iqbal son of Late Md. Numani @ Late Md. Nomani, Resident of Village- Bank, Police Station- Maner, Dist.- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ajay Mukherjee, Advocate

For the Opposite Party : Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 01-05-2024 Heard learned counsel for the petitioner and 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 of the Indian Penal Code.

3. As per the prosecution story, the informant made payment of Rs.20 lakhs to the brother of the petitioner and Rs.09 lakhs to the petitioner but neither the amount was returned nor the land was registered by the petitioners.

4. Learned Counsel for the petitioner submits that there was definitely miscommunication 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, the petitioner being a law abiding citizen is ready to pay Rs. 09 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. 09 lakhs to the informant through a demand draft and he will be facing the trial for the allegation made in the F.I.R., this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the above-named petitioner in the event of his arrest or surrender within a period of six weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs.10,000/- (ten thousand) 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. This is also subject to the following conditions:-

(i) at the time of furnishing bail bonds, the petitioner shall produce a demand draft of Rs.09 Lakhs prepared in the name of the informant in the Court below and the Court below shall hand over the same to the informant.

(ii) one of the bailor should be the family member of the petitioner;

(iii) 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;

(iv) 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 cancellaion of the bail bonds;

(Sandeep Kumar, J)

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