

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27580 of 2024

Arising Out of PS. Case No.-168 Year-2023 Thana- PHULWARIA District- Begusarai

MD. MAKSOOD ALAM @ MD. MAQSUD ALMA SON OF SARIF ALAM
RESIDENT OF VILLAGE - SALIMPUR NURPUR, P.S. - BARAUNI,
DISTRICT - BEGUSARAI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bhola Prasad, Advocate Mr. Deepak Kumar, Advocate
For the State	:	Mr. Choubey Jawahar, APP
For the Informant	:	Mr. Sandip Kumar Gautam, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-05-2024 Heard Mr. Bhola Prasad, learned Counsel for the petitioner and Mr. Choubey Jawahar, learned APP for the State as also Mr. Sandip Kumar Gautam representing the informant.

2. The petitioner apprehends his arrest in connection with Fulwariya P.S. Case No. 168 of 2023 for the offence registered under sections 420, 406 and 34 of the Indian Penal Code lodged on 11.11.2023 by the informant, Saba Karim.

3. As per the prosecution story, the allegation is that on 16.07.2019, the accused persons came to the house of the informant and after requesting him to purchase a piece of land, although the initial demand was Rs. 25 lakhs, the amount was settled at Rs. 20 lakhs and the allegation is that through



cash/Bank Account, the payments of Rs. 20 lakhs were made inasmuch as to (i) Md. Abdullah Sarif – Rs. 8 lakhs; (ii) Md. Khurshid Alam – Rs. 3 lakhs and (iii) Md. Maqsood Alam – Rs. 9 lakhs were paid on different dates.

4. Altogether, 20 lakhs were paid but when the request was made for registration of land, they started evading the informant. Further, the allegation is that after requesting them for years, in the year 2023 (10.09.2023), the informant went there, he was threatened of dire consequences and also pushed away. Accordingly, the F.I.R.

5. Learned Counsel for the petitioner submits that it is out and out civil dispute, the informant though alleged payment of Rs. 20 lakhs, save and except RTGS, no further proof can be shown to accept this exaggerated amount and in that background, the petitioner is entitled to anticipatory bail.

6. Mr. Sandip Kumar Gautam, learned Counsel for the informant, on the other hand, submits that all the documents can be produced at the time of trial to show that altogether Rs. 20 lakhs were taken by the three accused persons. So far as this petitioner is concerned, he has altogether taken 9 lakhs. He further submits that beside the payments, the fact remains that the intention to cheat was always from the beginning *inasmuch*



as they never wanted to transfer the land. Further, on the fateful day, when he made a request, he was pushed and threatened of dire consequences and as such, it cannot come in the category of civil dispute.

7. Taking into account the aforesaid facts as also the submissions put forward by the parties, it would be appropriate that the petitioner seeks bail.

8. The anticipatory bail application stands rejected.

(Rajiv Roy, J)

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