

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37384 of 2024

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

Md Abdullah Sharif @ Abdulla Sharif Son of Late Md. Sharif Resident of
Village- Noorpur (Salempur) , P.S- Barauni ,Dist- Begusarai

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Deepak Kumar, Adv. Mr. Szeyaul Hoda, Adv.
For the Opposite Party/s	:	Mr. Sandip Kumar Gautam, Adv.
For the State	:	Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 18-10-2024 Heard Mr. Szeyaul Hoda, learned counsel for the
petitioner and Mr. Sandip Kumar Gautam representing the
informant as also the State.

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 (1) 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. Learned Counsel for the petitioner submits that it is purely a civil dispute, both the sides are agnates, he was abroad but his account was used for transfer of Rs. 6,00,000/-. In any case, as the aforesaid 6 lakhs came to his account, he would like to return the same in the following manner:

i) Rs. 2,00,000 at the time of execution of bail bond by way of Demand Draft issued by the local State Bank of India in the name of the informant Saba Karim;

ii) rest 4 lakhs by way of installment of Rs. 50,000/- each again through the Demand Draft issued by the local State Bank of India in favour of the informant Saba Karim by 10th of every month, beginning December 2024 and ending July 2024;

iii) failure to do so, the Trial Court shall be free to cancel his bail bonds.

5. Learned counsel for the informant submits that though the amount was more, since the petitioner is family relation, intends to return the amount, he do not have objection to him extending the relief.



6. In that background and considering the submissions put forward by the parties and appreciating the stand taken by the learned counsels, this Court is inclined to grant him the anticipatory bail with conditions subject to payment of the amount as incorporated above.

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 A.C.J.M.-1st, Begusarai in connection with Fulwariya P.S. Case No. 168 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives 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)

Vijay Singh/-

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