

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42547 of 2024

Arising Out of PS. Case No.-1733 Year-2023 Thana- COMPLAINT CASE District- Araria

Md. Kalim Son Of Late Zainuddin Resident Of Village - Baturbari, Ward No.-
10, P.S. - Tarabari, District - Araria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Israfil Son Of Habib Resident Of Village - Baturbari, Ward No.- 10, P.S. -
Tarabari, District - Araria

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ramesh Kumar Singh, Adv.
For the Opposite Party/s :	Mr. Pramod Kumar Pandey, APP
	Mr. Mukesh Kumar Rana, Adv.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 08-08-2024 Heard learned counsel for the petitioner, learned

A.P.P. for the State and learned counsel for the Opposite Party

No. 2.

2. The petitioner apprehends his arrest in connection

with Complaint Case No. 1733C of 2023 registered under

Sections 406 and 420 of the Indian Penal Code.

3. As per the complaint case, it is alleged that despite

taking consideration money of Rs. 2,02,000/-, this petitioner

along with other accused persons refused to execute sale deed in

favour of complainant/opposite party no. 2.

4. Learned counsel appearing on behalf of the petitioner

submits that both the parties are co-villagers and next door



neighbours and due to enmity, this false and fabricated case has been filed against the petitioner. It is further submitted the dispute involved in this complaint case is purely civil in nature and the present complaint case has been filed only with a view to settle the civil dispute. Lastly, he submits that at this stage, without admitting his guilt, petitioner is ready to deposit the alleged amount of Rs. 2,02,000/- in easy installments.

5. Learned counsel for the Opposite Party No.2 does not dispute the contention made on behalf of the petitioner.

6. Considering the aforesaid contention made on behalf of the petitioner, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned court below within a period of six weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate-I/Successor Court, Araria in connection with Complaint Case No. 1733C of 2023, subject to the conditions as laid down under Section 438(2) of the Cr. P.C with direction to the petitioner that :-

i. Petitioner shall deposit Rs. 1,02,000/- (One Lakh two Thousand) in the *Nazarat* and will produce the receipt of the same at the time of furnishing bail-bond in the Court below, and



rest amount i.e. Rs. 1,00,000/- (One Lakh) shall be paid in four equal installments within a period of six months, failing which, the learned Court below would be at liberty to cancel the bail-bond.

7. It is made clear that this order has been passed for the purpose of bail without going into the merit of the case, and the payment of aforesaid amount shall be subject to the final outcome of the case.

(Prabhat Kumar Singh, J)

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