

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47396 of 2024

Arising Out of PS. Case No.-59 Year-2024 Thana- BEERPUR District- Begusarai

1. MARYAM KHATOON, aged about 50 years, Female, W/O MD. MUNAIB
 2. MD. MUNAIB, aged about 55 years, Male, S/O LATE MD KOIYUM Tuntun
- Both are R/O VILLAGE- KARICHAK, WARD NO. 10, P.S- BIRPUR, DISTT.- BEGUSARAI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Prasad, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 07-08-2024 At the outset, learned counsel appearing on behalf of the petitioners submits that petitioner no.1 has been arrested and, as such, he seeks to withdraw the present bail application with respect to petitioner no.1.

2. Accordingly, the present bail application is dismissed as withdrawn with respect to petitioner no.1.

3. Heard Mr. Sanjay Prasad, learned counsel appearing on behalf of the petitioner no.2 and Mr. Ram Priya Sharan Singh, learned APP for the State.

4 . The petitioner no.2 seeks pre-arrest bail in connection with Birpur P.S. Case No. 59 of 2024 registered for the offence(s) punishable under Sections 341, 323, 504, 506,



307, 419, 420, 406/34 of the Indian Penal Code.

5. As per the allegation made in the FIR, the informant has alleged that despite the petitioners having received a sum of Rs.5,60,000/- have refused to register execution of sale deed. Further allegation is that when the informant asked them to either return the money or execute the sale deed, they assaulted the informant.

6. Learned counsel appearing on behalf of the petitioner submitted that no case is made out in absence of any ingredient of allegation, more so, there is no specific allegation in the FIR, as on which date or by which mode, the informant has given money to the petitioner. Petitioner has clean antecedent.

7. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

8. Having considered the rival submissions made on behalf of the parties, I find that no case is made out against the petitioner in absence of any specific statement or information given in respect of transaction of money and also in absence of agreement of sale, and, as such, I am of the opinion that petitioner no.2 has, prima facie, made out a case to be released on pre-arrest bail.



9. **The petitioner no.2/ Md Munaib, above named,**
is directed to be released on pre-arrest bail, in the event of his
arrest or surrender before the learned District Court within a
period of four 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 learned Judicial Magistrate 1st
cum- AM., Begusarai in connection with Birpur P.S. Case No.
59 of 2024, subject to the conditions as laid down under Section
438(2) of the Cr.P.C.

10. The bail application stands disposed of.

(Purnendu Singh, J)

Sanjay/-

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