

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49806 of 2024

Arising Out of PS. Case No.-470 Year-2023 Thana- GAYA KOTWALI District- Gaya

=====

AFTAB ALAM @ AFTAB ALAM KHAN SON OF LATE PYARE KHAN
RESIDENT OF VILLAGE - NEW ALIGANJ ROAD NO.05, KATARI HILL
ROAD, P.S. - CHANDAUTI, DISTRICT - GAYA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. NAZAR HASHMI SON OF LATE SAMSUL HODA HASHMI RESIDENT
OF VILLAGE - CHHATA MASZID, BARI ROAD, P.S. - KOTWALI,
DISTRICT - GAYA

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s :	Mr. Prithivi Raj Singh
For the Opposite Party/s :	Mr. Tapeswar Sharma

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- | | | |
|---|------------|---|
| 2 | 21-08-2024 | <ol style="list-style-type: none">1. Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.2. This application, for grant of anticipatory bail, arises out
of Kotwali Police Station Case No. 470 of 2023, dated
02.08.2023, disclosing offences under Sections
406/420/120(B) of the Indian Penal Code.3. The prosecution case, as per the First Information Report,
is that the informant is Mutawalli of the waqf property, in
which, one shop was let out to the petitioner, but the
petitioner stopped the payment of rent for which the
informant has lodged eviction suit. It has further been
alleged that the petitioner, by concealing the relevant |
|---|------------|---|



facts, took a sum of Rs. 5,00,000/- from one Tahir Khan with the promise that he would rent out the shop, in question, in his favour on a monthly rental of Rs. 10,000/-. When Tahir Khan came to know about the fact that the shop is being managed by the informant, being the Mutawalli, he lodged Kotwali Police Station Case No. 580 of 2018 against the petitioner. Subsequently, the shop, in question, has been handed over by the petitioner in favour of Tahir Khan.

4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in the present case due to dispute regarding shop, in question, for which the eviction suit has been lodged by the informant. He next submits that no case under Sections 420 and 406 of the Indian Penal Code is made out against the petitioner inasmuch as the allegation is that the petitioner took money from Tahir Khan for creating tenancy in his favour and not from the informant. He further submits that the informant is not the aggrieved person, from whom, the petitioner took money after misrepresenting the facts.
5. Regards being had to the submissions made on behalf of the parties and taking into consideration the fact that the



petitioner is tenant of the shop, in question, for which the informant has lodged eviction suit and advance money has been taken by the petitioner from one Tahir Khan and not from the informant, I am inclined to grant the petitioner privilege of anticipatory bail.

- 6. This application is, accordingly, allowed.
- 7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya, in connection with Kotwali Police Station Case No. 470 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

ashwani/-

U		T	
---	--	---	--

