

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57854 of 2024

Arising Out of PS. Case No.-1660 Year-2023 Thana- NAWADA District- Nawada

Syed Mohammad Sabir Nejam @ S.M. Sabir Nezam S/O M.M. Muzaffar Hussain R/O Mohalla- Moglakhar, P.S- Nawada Town (Bundelkhand), Distt.- Nawada.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate

For the Opposite Party/s : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 20-11-2024 Heard learned counsel for the petitioner as well
learned A.P.P. for the State.

2. The petitioner apprehend arrest in connection with Nawada Town P.S. Case No. 1660 of 2023 dated 26.10.2023, instituted for the offence punishable under Sections 406 and 420 of the Indian Penal Code and Section 138 of Negotiable Instrument Act.

3. The prosecution case, in short, is that the informant entered into an agreement with the petitioner for purchase of a piece of land for which he paid Rs. 20 lakhs through cheque, cash and account transfer and requested him to make an agreement in writing. The accused petitioner sought some time for the same and in meanwhile the informant met Md. Zubair



Ahmed @ Nehal (own brother of the petitioner) who informed that his own brother has duped him also on the ground of selling land for which he has filed Town (Bundelkhand) P.S. Case No. 590 of 2022 and he further advised the informant to get back his money from the petitioner. Thereafter the informant demanded his money back from the petitioner who then issued a cheque of Rs. 20 lakhs of ICICI Bank but the said cheque was dishonoured twice on 06.07.2023 and 22.08.2023. The informant then sent legal notice to the petitioner for returning the money but no reply was given by the petitioner. Finally, on 29.09.2023, the informant met the petitioner and requested to return his money on which the informant was abused, assaulted and driven away with dire consequences.

4. Learned counsel for the petitioners submits that the petitioner is innocent and he has been falsely implicated in this case. It is next submitted that the dispute is purely civil in nature. It is further submitted that Rs. 12,50,000/- had already been paid to the informant. It is further submitted that an affidavit has been sworn by the friend of petitioner namely Md. Akhtar in which it has been stated that he would take full responsibility of the petitioner to return the balance amount of Rs. 7,50,000/- for which he has issued six cheques in favour of



the informant but the cheque bounced due to insufficient funds. It is very fairly submitted by the petitioner that he has taken Rs. 20 lakhs from the informant and he had returned Rs. 12,50,000/- and remaining 7,50,000/- is still pending to be returned. The petitioner is ready to return the remaining amount. Lastly, it has been submitted that the petitioner has one criminal case against him.

5. Learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner. However, he submitted that the Court may pass appropriate order in view of the fact that the petitioner is ready to pay 7,50,000/- to the informant.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Nawada Town P.S. Case No. 1660 of 2023, he shall be released on provisional bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nawada, subject to condition as laid down under Section 438(2) of the Cr.P.C. as also to the following conditions:-

I. At the time of furnishing bail bonds, the petitioner



shall pay Rs.1,50,000/- (one lakh fifty thousand) to the informant through demand draft and thereafter the rest amount shall be paid by the petitioner to the informant through demand draft in four equal installments within six months. The court below upon deposit of the demand draft shall issue notice to the informant and handover the same to him after due verification. The aforesaid payment to the informant shall be subject to final outcome of the trial.

II. Upon deposit of entire amount i.e. Rs. 07,50,000/- provisional bail of the petitioner shall be confirmed.

7. The application stands disposed of.

(Khatim Reza, J)

Sankalp/-

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

