

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59967 of 2024

Arising Out of PS. Case No.-6519 Year-2023 Thana- PATNA COMPLAINT CASE District-
Patna

=====

Md. Reyaz Alam @ Md. Riyaz Alam @ Md. Rayaz Alam Son of Late Hassan
Imam Resident of Flat No. 502, Suriya Samanpura Enclave, Bank of India
Colony Road, Samanpura, Razabazar, P.S. - Shastri Nagar, District - Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shahnaja Khatoon @ Shahnaz Khatoon Wife of Md. Haider Ali Permanent
Resident of Village- Jagatpur, P.S. - Janta Bazar, District - Saran, A/P
Resident of Flat No. 4/A2, Kulhariya Complex, Ashok Raj Path, P.S. -
Pirbahore, District - Patna

... .. Opposite Party/s

=====

Appearance :

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

For the Opposite Party/s : Mr. Bharat Bhushan, APP

Mr. Binod Kumar Sinha, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 19-09-2024 Heard learned counsel for the petitioner, learned APP

for the State and the learned counsel appearing on behalf of the

O.P. No.2.

2. The petitioner seeks bail in anticipation of his

arrest in a case registered for the offences punishable under

Sections 406, 420 of the IPC in connection with Complaint Case

No.6519 of 2023.



3. The learned counsel for the petitioner submits that petitioner is a person with clean antecedent and the complainant alleges that the petitioner and his wife intended to sale their flat at Surya Samanpura Enclave, Bank of India Colony Road, Samanpura, Raja Bazar and thus they approached the complainant, after negotiation the price of the flat was fixed at seventy two lakhs, accordingly the husband of the complainant paid a sum of Rs.50,07,000/- in the account of the accused persons on different dates, thereafter, Covid intervened, as such the transaction could not go through but the petitioner neither returned the amount nor registered the flat in question in the name of the complainant or her husband.

4. The learned counsel submits petitioner has been falsely implicated in the instant case. It is also submitted that petitioner and the complainant are related i.e. petitioner is husband of the sister of the complainant. It is further submitted that no doubt it was agreed in between the petitioner and the complainant that petitioner intends to sale his flat in lieu of which an amount of Rs.50,07,000/- was received in his account out of Rs.72 lakhs which was fixed as consideration for the flat, but then on account of intervention of Covid the deal could not go through and the petitioner returned the amount of Rs.50



lakhs in cash to the husband of another sister of the complainant, but then his brother-in-law (Sadhu) misappropriated the said amount and the petitioner came to be implicated. It is also submitted that the amount of Rs.50,07,000/- in cash was given to the said brother-in-law on direction of the husband of the complainant.

5. The learned counsel appearing on behalf of the complainant vehemently opposes the anticipatory bail application of the petitioner and submits that the complainant feels cheated by her own brother-in-law (husband of her own sister). It is also submitted that it absolutely does not stand to reason that as to why the complainant or her husband would have requested the petitioner to return the amount of Rs.50 lakhs to another brother-in-law, it is submitted that this amply demonstrates that money has the potential to ruin all relationship. It is next submitted that complainant or her husband have not received a single penny which amply demonstrates that the petitioner right from the beginning had intention to cheat and since he was related to the complainant, as such she and her husband believing in him completely had parted with their hard earned amount of Rs.50,07,000/-.

6. Considering the submissions made by the learned



counsel appearing on behalf of the O.P. No.2, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner, accordingly, the anticipatory bail application is rejected.

(Satyavrat Verma, J)

Prakash Narayan

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

