

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61265 of 2024

Arising Out of PS. Case No.-87 Year-2021 Thana- RAXAUL District- East Champaran

Md Samiullah @ Samiullah Son Of Md Saidullah R/O- Aamodei Tola
Charwa, P.S- Ramgarhwa, Dist- East Champaran

... .. Petitioner

Versus

1. The State of Bihar
2. Abdul Salam son of Late Md Safik village- Pantoka, Ps- Haraiya, Dist- East champaran

... .. Opposite Partys

Appearance :

For the Petitioner : Mr.Anuj Kumar

For the Opposite Party : Mr.Rajendra Nath Jha

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 10-09-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Raxaul (Haraiya) P.S. Case No. 87/2021, GR Case No. 327 of 2021 dated 16.03.2021 registered for the offence punishable u/s 420 and 406 read with 34 of the Indian Penal Code.

3. As per the prosecution case, the petitioner gave a proposal to the informant to sell his land to invest in his business. Due to good relation, the informant started giving money to the petitioner and in total Rs. 6 lacs were given to the petitioner in installments. After payment of the aforesaid money,



the informant asked the petitioner to register the land, the petitioner neither got the land registered in his favour nor he returned the money. On several demands, the petitioner gave two cheques of Allahabad Bank worth Rs. 6 lacs to the informant. Later, the informant found that the account had been closed. When the informant started pressuring petitioner for the money, he left the rented house and fled away to his village. Further, the petitioner, his wife and his son came to the informant's house and gave proposal to sell their 14 ½ *dhur* land of *Khata* No. 161 *Khesra* No. 2005 situated in the village *Amodeyi* and consideration money of the land was fixed as Rs. 5,40,000/- and an agreement for sale of said land were prepared and at the time of registration on 13.06.2019 the petitioner fled away from the Registry Office. When the informant went to the house of the petitioner, he started abusing and assaulting the informant.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. Learned counsel has submitted that there is a land dispute between the parties and the informant wants to take the land of the petitioner's father forcibly and the



petitioner has not executed any paper in favour of the informant.
The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 12.11.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Motihari, East Champaran in connection with Raxaul (Haraiya) P.S. Case No. 87/2021, GR Case No. 327 of 2021, with the condition ;-

(i). The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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