

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68190 of 2024

Arising Out of PS. Case No.-164 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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- 1 . Md. Ali @ Tunna Khan Son of Late Abdul Hameed Khan @ Late Hamid Khan Resident of village - Yado Pipra, P.S.- Hathaua, District - Gopalganj.
 2. Md. Rasheed @ Jhunna Khan Son of Late Abdul Hameed Khan Resident of village - Yado Pipra, P.S.- Hathaua, District - Gopalganj.

... .. Petitioner/s

Versus

- 1 . The State of Bihar
2. Nuruddin Khan Son of Late Zahiruddin Khan Resident of At- Vagkalu Khan, P.S.- Khajekala, District - Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Javed Aslam , Advocate
For the Opposite Party/s : Mr. Shaheen Begum , APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 08-10-2024 Heard learned counsel for the petitioner and the

State .

2. Petitioner apprehends arrest in a case registered for
the offence punishable under sections 406 and 420 of the Indian
Penal Code .

3 . Prosecution case , in short, is that on 12.05.2015,
petitioners came at complainant's residence and asked for Rs.
1.50,000/- as a loan for purchasing the tractor, and as such,



complainant gave cash of Rs. 50,000/- and a cheque of Rs. 1 lakh on 05.2015 and 25.06.2015. Petitioner no. 2, Md. Rashid, withdrew the said cheque amount from the bank. Thereafter, despite several requests from complainant, the accused persons did not return the said amount.

4. Learned counsel for the petitioner submits that as per complaint petition loan was given in the year 2015 and complaint has been lodged after more than lapse of 6 years which itself creates doubt over the veracity of the entire prosecution . There is no chit of paper on record in support of the allegation . As a matter of fact, petitioners have falsely been implicated in this case due to land dispute . Mutation case is already pending between the parties. As a matter of fact, petitioners have falsely been implicated in this case due to land dispute . Moreover, the dispute is purely civil in nature .

5 . Learned counsel for the State opposes the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, in the event of arrest or surrender within eight weeks from today, let the petitioner, as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the



satisfaction of the learned SDJM Patna City Patna in connection with Complaint Case No. 164 of 2022 , subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure .

(Prabhat Kumar Singh, J)

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