

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.69901 of 2023

Arising Out of PS. Case No.-1047 Year-2022 Thana- PATNA COMPLAINT CASE District- Patna

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1. Nasimuddin Ahmad Son Of Badruddin Ahmad Resident Of Village- Lalkothi Danapur, Po- Danapur, Ps- Danapur, Dist- Patna
 2. Meraj Ahmad @ Mera Ahmad Son Of Badruddin Ahmad Resident Of Village- Lalkothi Danapur, Po- Danapur, Ps- Danapur, Dist- Patna
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Pratap Singh
For the Opposite Party/s : Mr.Ram Naresh Ray

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 30-01-2024 Heard learned counsel for the petitioners, opposite party no. 2 and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 406 and 420 of the Indian Penal Code.

3. As per FIR, petitioners received Rs. 15,00,000/- in advance on 26.02.2021 and Rs. 8,00,000/- on 02.03.2021 from the complainant for purchase of house of two floor of area of 17.5 dhur. It is alleged that the petitioners neither registered the said house nor returned the money.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. He submits that the petitioners have returned Rs. 18 lakhs to the complainant and have taken receipt thereof and they



are ready to pay rest 5 lakh to the complainant within 12 months. He further submits that petitioners have no criminal antecedent as stated in para-3 of the bail application.

5. Learned APP for the State opposes the prayer for bail.

6. Considering the facts and circumstances of the case, let the above named petitioners in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on **provisional bail for a period of 12 months** on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Complaint Case No. 1047(C) of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. Learned Court below is directed to confirm the bail bond of the petitioners after satisfying that the petitioners have returned the aforesaid amount to the complainant.

8. Complainant is also directed to withdraw the complaint petition after receiving the aforesaid amount.

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(Anjani Kumar Sharan, J)

