

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76679 of 2023

Arising Out of PS. Case No.-774 Year-2023 Thana- PHULWARISHARIF District- Patna

Sahzada Rafi Ahmad Son Of Late Dr. Md. Yunsh @ Md. Yunsh R/O Flat No. 503, Maqbool Apartment, Kabari Gali, Behind Gargi Grand Hotel, Exhibition Road, P.S.- Gandhi Maidan, Dist.- Patna

... .. Petitioner/s

Versus

The State of Bihar

.. ... Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar, Adv. Mr. Binod Kumar Sinha, Adv.
For the State	:	Mr. Bharat Bhushan, APP
For the Informant	:	Mr. Rashid Zafar, Adv.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 09-04-2024 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the Informant.

2. The petitioner apprehends his arrest in connection with Phulwarisharif P.S. Case No. 774 of 2023 registered under Sections 406, 420, 468, 34, 120B of the Indian Penal Code and Section 138 of the N.I. Act.

3. It is alleged that despite taking the consideration money in advance, this petitioner did not execute the sale deed in favour of the informant. When the informant demanded the money, the petitioner refused to return the same.

4. Learned counsel appearing on behalf of the



petitioner submits that petitioner is innocent and has falsely been implicated in the present case by the informant. Further submission is that the informant himself has failed to pay Rs. 70 lacs to the petitioner as second installment for release of land from the debt and on the account of non-compliance of the said commitment, the sale deed could not be executed. Learned counsel further submits that according to the first information report, the cheque for a sum of Rs. 25 lacs was not given by the petitioner rather it is alleged to have been given by co-accused Mansoor Ansari alone. The petitioner has neither received any advance nor received any cheque. The petitioner has got no criminal antecedent.

5. Learned counsel for the State as well as for the Informant oppose the prayer of the petitioner for bail.

6. Having considered the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-XIV, Patna Sadar in connection with Phulwarisharif P.S. Case No. 774 of 2023, subject to the



conditions as laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Singh, J)

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