

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82483 of 2023

Arising Out of PS. Case No.-108 Year-2023 Thana- ISHAKCHAK District- Bhagalpur

MD. FARID ALAM SON OF MD. FIROZ ALI R/O VILLAGE- LODIPUR,
P.S.- LODIPUR, DISTRICT- BHAGALPUR

... .. Petitioner/s

Versus

1. The State of Bihar
2. DR. JAFAR JABED SON OF LATE MD. IBRAHIM R/O MOHALLA-
ISHLAMPUR BHIKHANPUR, P.S.- ISHAK CHAK, DISTRICT-
BHAGALPUR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Manoj Kumar
For the Opposite Party/s : Mr.Ram Naresh Ray

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 07-03-2024 The petitioner apprehends his arrest in connection with

Ishak Chak P.S. Case No. 108 of 2023, registered for the offences

punishable under Sections 406, 420 of the Indian Penal Code.

2. When this case was called out for the first time
today at 11.25 AM, the counsel for the petitioner appeared and
then the court wanted to know whether there is possibility for
compromise and whether the petitioner who is alleged to be the
land broker, may persuade the executant to execute the sale deed
in favour of the informant.

3. The learned counsel for the petitioner assured this
Court to take the instruction from the petitioner and communicate
the same to the Court till 1:00 PM. The Court directed the learned



counsel for the petitioner to seek the instruction up-till 1 PM through mobile phone. Neither on 1 PM nor afterwards, the learned counsel for the petitioner appeared before the Court which shows that not only the conduct of the petitioner but also the conduct of the learned counsel is not fair.

4. The informant was to purchase a piece of land. The informant on the one side and the petitioner and co-accused Md. Subhan @ Saban on the other side entered into an agreement for sale of the land appertaining to *Khata* No. 1711, *Khasra* No. 1763, 7 *Katha* 2 *Dhur* 8 *Dhurki*, the deed of agreement was executed. The informant gave Rs. 38 lakhs to the petitioner but neither he returned the money nor he persuaded the land owner to execute the sale deed.

5. The learned counsel for the informant has submitted that the petitioner is a land broker. He took the informant in his confidence and cheated him and he also received more than one crore of the rupees from the informant subsequent to the FIR but at the time of lodging of the FIR, the petitioner has taken Rs. 38 lacs, it was the reason that Rs. 38 lacs has been mentioned in the FIR.

6. There is written agreement between the petitioner and the informant. The petitioner cheated the informant by not persuading the landlord, after taking huge amount from the informant. Neither the conduct of the petitioner nor his learned



counsel appears to be fair.

7. Considering the above-mentioned facts and circumstance, the petitioner does not deserve the privileges for anticipatory bail, which is hereby rejected.

8. The Superintendent of Police, Bhagalpur is directed to take appropriate action and report within 15 days.

9. List the matter on 23.04.2024.

10. Office is directed to communicate this order to the Senior Superintendent of Police, Bhagalpur today itself through FAX.

(Nawneet Kumar Pandey, J)

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