

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84543 of 2023**

Arising Out of PS. Case No.-221 Year-2022 Thana- ROHTAS COMPLAINT
CASE District- Rohtas

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1. Shekh Mohammad @ Bhardul Ansari @ Shekh Mohamad Ansari SON OF MADINA ANSARI R/O VILLAGE- SUJANPUR, P.O. BADIHA, P.S.- INDRAPURI, DIST.- ROHTAS
 2. NURUL ANSARI @ NOOR MOHAMMAD SON OF MADINA ANSARI R/O VILLAGE- SUJANPUR, P.O. BADIHA, P.S.- INDRAPURI, DIST.- ROHTAS
 3. KHAJABUDDIN ANSARI @ KHAJUBUDDIN ANSARI SON OF LATE RASUL ANSARI R/O VILLAGE- SUJANPUR, P.O. BADIHA, P.S.- INDRAPURI, DIST.- ROHTAS

... .. Petitioner/s

Versus

1. The State of BIHAR
2. AMBIYA KHATOON WIFE OF MUKHTAR ANSARI R/O VILLAGE- SUJANPUR, P.O. BADIHA, P.S.- INDRAPURI, DIST.- ROHTAS

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek, Adv.

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-01-2024 Heard Mr. Abhishek, learned counsel for the petitioner
and Mr. Anil Kumar Singh No.1, learned A.P.P. for the State.

The petitioners apprehend their arrest in connection
with Complaint Case No.221 of 2022 registered for the offence
under Sections 406 of the Indian Penal Code.

The petitioners along with other accused persons are
alleged to have grabbed the consideration amount of Rs.
10,35,000/- which was paid to the co-accused, Pir Mohammad
against a piece of land by the complainant and refused to execute
the land in favour of the complainant.



Learned counsel appearing for the petitioners submits that the petitioners, who are of clean antecedent, are innocent and have falsely been implicated in this case. He further submits that on bare perusal of the complaint petition, it appears that there is specific allegation against the co-accused, Pir Mohammad, who has taken Rs. 10,35,000/- from the complainant as consideration amount and did not execute the land in favour of the complainant and also refused to return her money. He further submits that there is no specific allegation of assault or any overt act is attributed to the petitioners. Therefore, no case under Section 406 of the Indian Penal Code is made out against the petitioners.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the, above named, petitioners, in the event of their arrest or surrender before the court below within a period of four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Magistrate, Dehri-on-Sone in connection with Complaint Case No. 221 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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