

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2571 of 2025

Arising Out of PS. Case No.-133 Year-2024 Thana- MORKAHI District- Khagaria

-
-
1. Bibi Akhtari @ Bibi Akhtari Begum Wife of Md. Firoj Alam Resident of Village - Bachhauta, P.S. - Morkahi, District - Khagaria
 2. Md. Firoj Alam Son of Moen Uddin Resident of Village - Bachhauta, P.S. - Morkahi, District - Khagaria
 3. Md. Imran Khan @ Imran Alam Son of Firoj Alam Resident of Village - Bachhauta, P.S. - Morkahi, District - Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shailendra Kumar Son of Late Atwari Prasad Yadav Resident of Village - Uttari Rajendra Nagar, Near Sitaram Memorial School, P.S. - Chitragupta Nagar, (Khagaria), District - Khagaria

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vivekanand Singh, Advocate
For the Opposite Party/s	:	Mr. Rajiv Nayan, A.P.P.
For the Informant	:	Mr. Santosh Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA

ORAL ORDER

3 09-05-2025 Heard learned counsel for the petitioners, learned
counsel for the informant and learned A.P.P. for the State.

2. Petitioners apprehend their arrest in a case registered for the offences punishable under Sections 120(B), 406, 420, 467, 468 and 34 of Indian Penal Code.

3. The prosecution story in brief is that the informant namely, Shailendra Kumar alleged that he and his friend Sanjit Kumar entered into an agreement on 22.02.2022 to purchase land worth Rs. 70 lakhs from all the FIR-named accused persons. It is further alleged that an advance of Rs. 10 lakhs was paid and further payments totaling Rs.35,54,998/- made thereafter. Despite repeated requests and issuance of legal



notices, the seller failed to register the land by the agreed extended date of 27.09.2024 and have refused to refund the money.

4. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in the present case. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent, it is next submitted that petitioners are willing to return Rs. 28,00,000/- (Rupees Twenty-Eight Lakhs) which as per him is the money he has received from the informant.

5. Learned A.P.P. for the State and learned counsel for the informant opposed the prayer for anticipatory bail of the petitioners.

6. Considering the fact that during the course of hearing, learned counsel for the petitioners states that petitioners are willing to return Rs. 28,00,000/- (Rupees Twenty Eight Lakhs) which as per him is the money he has received from the informant. As per the learned counsel for the informant, the amount which has been received by the petitioners is Rs. 36.25 lakhs. Since, there is a dispute with regard to the amount received by the petitioners, this Court is of the view that the petitioners be granted the privilege of anticipatory bail subject



to that the petitioners will pay the admitted dues of Rs. 28,00,000/- (Rupees Twenty Eight Lakhs) to the informant within five months from the date of this order. However, if the admitted dues of Rs. 28,00,000/- (Rupees Twenty Eight Lakhs) is not paid by the petitioners to the informant within five months then the informant would be at liberty to take appropriate steps for cancellation of the anticipatory bail. Further, the informant is at liberty to resort to recovery of other remaining dues in Civil Court. Under these circumstances, the petitioners are being granted the privilege of anticipatory bail.

7. Accordingly, the petitioners in the event of their arrest or surrender within four weeks from today, let the petitioners, as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate 1st, Khagaria in connection with Morkahi P.S. Case No. 133 of 2024, subject to the conditions laid down under section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Alok Kumar Sinha, J)

Gaurav Sinha/-

U		T	
---	--	---	--

