

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31379 of 2024

Arising Out of PS. Case No.-68 Year-2024 Thana- MOTIHARI TOWN District- East
Champaran

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Md. Muslim @ Muslim Mian Son Of Late Sujayat Miya Resident Of Village
- Majuraha, Ward No. - 03, P.S. - Raghunathpur O.P., District - East
Champaran

... .. Petitioner/s

Versus

The state of bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

6 18-03-2025 In pursuance to the earlier order dated 12.02.2025,

both the parties appeared with their respective counsel in
Chambers proceeding.

2. Heard the parties.

3. The petitioner is apprehending his arrest in
connection with Motihari Town P. S. Case No. 68 of 2024 for
the offence under Sections 406, 420, 504, 506 of the Indian
Penal Code.

4. As per the allegation in the FIR, informant's wife
sold her land to the petitioner in the year 2014. At the time of
execution of sale deed, it was requested by the petitioner that
due amount of Rs. 6,60,000/-, he will pay within two months.
But till date, petitioner has paid only Rs. 36,000/-. On



13.06.2023, a panchayati was also held to resolve the monetary dispute between them. On several occasions, informant asked for his due amount, but he denied to make payment. It is further alleged that on 30.01.2024, when he asked for his due amount, petitioner started abusing and threatened him to face dire consequences.

5. Learned counsel for the petitioner submits that petitioner is quite innocent, committed no offence and has been falsely implicated in this case due to oblique and ulterior motive. He further submitted that Petitioner has not entered into any agreement with the informant in respect to sell the said land, no such agreement of sell is annexed with the FIR.

6. Learned Additional Public Prosecutor opposes the prayer of anticipatory bail.

7. During course of argument learned counsel for the petitioner submits that no sale deed has been executed in favour of petitioner-accused regarding the landed property mentioned in FIR up-till now. So there is no question of cheating. Learned counsel for the informant also admits this fact that no registered deed has been executed. Learned counsel for the informant submits that there is a *panchanama* purported to be executed on 13.06.2023, but from perusal of that document, it appears that



there is no mention of concerned landed property and from that *panchanama* it is not clear that for what purposes money was paid. Moreover this is a civil dispute regarding payment of money.

8. Keeping in view the aforesaid facts, this Court is inclined to enlarge the petitioner on anticipatory bail in the event of arrest or surrender within a period of four weeks from the receipt/production of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Motihari Town P. S. Case No. 68 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(S. B. Pd. Singh, J)

prabhakar/-

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