

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61996 of 2024

Arising Out of PS. Case No.-28 Year-2023 Thana- KANTI District- Muzaffarpur

Md. Anwar Ansari Son of Md. Mustquim Ansari Resident of Village - Harpur,
Mathiya, P.S. - Kanti, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shahbaj Alam

For the Opposite Party/s : Mr. Murli Dhar

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 12-05-2025 Heard learned Counsel for the petitioner, learned
counsel for the O.P. No.2 and learned Additional Public
Prosecutor for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 406, 420.
504, 506 and 34 of the Indian Penal Code and Section 138 of the
Negotiable Instrument Act.

3. The allegation of the petitioner is that on the pretext
of registration of land, the petitioner took Rs. 10,30,000/- from
the informant and promised to register the same within a period
of 3 months. However, after lapse of 3 months, no sale deed was



executed and on demand, the petitioner returned the amount by way of 4 cheques, which ultimately got dishonored on 28.12.2022.

4. *Vide* an earlier order dated 01.10.2024, the matter was sent to the Patna High Court, Mediation Center for reaching settlement between the parties but the mediation has failed. Learned counsel for the petitioner submits that as a matter of fact, the informant had himself approached the petitioner for selling his land, for which the petitioner handed over 4 cheques to the informant, which were to be en-cashed after executing the sale deed by the informant, but the informant, in collusion with the land brokers, got the aforesaid cheques dishonored and filed the instant case on false allegations. It is also submitted that there is a version and counter version of this case, in which both the sides have different stories to tell. So far as the dishonor of cheques is concerned, no case under Section 138 of the N.I. Act would be made out, in the case in which First Information Report has been filed and the informant always had the remedy to pursue a separate case under Section 138 of the N.I. Act and Section 420/406 of the I.P.C. would also not be attracted considering that the dispute is basically civil in nature.

5. The learned counsel for the O.P. No.2, however,



strongly opposes the grant of anticipatory bail on the ground that he has been cheated of his money as the sale deed was not executed as promised by the petitioner, in response to which the learned counsel for the petitioner submits that the law is well settled that not being able to honor a promise would basically have a civil color for which civil remedies are available.

6. Taking into consideration the above facts and circumstances and also considering that the petitioner has no criminal antecedent, let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1, Muzaffarpur, in connection with Kanti P.S. Case No.28 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure/Section 482 (2) of the B.N.S.S., 2023 and subject to the further condition that the petitioner shall co-operate in the investigation/trial.

(Soni Shrivastava, J)

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