

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71975 of 2024

Arising Out of PS. Case No.-981 Year-2023 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

SK Mahfooz @ Mahfooz @ Shekh Mahfooz Son of Late Shamsuddin R/O
Vill.- Dhamapakar, P.S.- Manjhagarh, Dist.- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Qauley Alam Son of Late Manzoor Alam R/O Vill.- Inderwan Bairum, P.O.- Sukulwan, P.S. and Dist.- Gopalganj.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Irshad Ahmad Khan, Advocate
For the State	:	Mr. Anish Chandra, APP
For the O.P. No.2	:	Mr. Javed Aslam, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 31-01-2025 Heard learned counsel for the petitioner and learned APP
for the State and learned counsel for O.P. No.2.

2. The petitioner apprehends his arrest in a case registered
for the offence punishable u/s 323, 504, 506, 406, 420, 467, 468,
471, 120(B) of IPC.

3. As per complaint, complainant alleged that the petitioner
refused to return back Rs.19,94,497/- to him. The reason stated
in the complaint for taking the money was to open business of
poultry farm.

4. It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has committed no offence. He
has been falsely implicated in this case. No such occurrence, in



the manner as alleged, has ever taken place. It is submitted that it is a pure civil nature of dispute between the parties. In para 6 of the bail application, it is stated that there is no oral agreement between the parties but the complainant has fraudulently transferred Rs.2,29,000/- in the petitioner's bank account without his knowledge. Complainant himself misappropriated the money sent by his elder brother and in order to save his skin this false case has been instituted against the petitioner. Petitioner has one criminal antecedent as mentioned in para 3 of the supplementary affidavit.

5. Learned APP for the State and learned counsel for O.P. No.2 opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case and since petitioner is agreed to return the aforesaid amount to the complainant, let the above named petitioner, be released on **provisional bail for a period of two months**, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Complaint Case No.981 of 2023 (Trial No. 1133 of 2024),



subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The learned court below is directed to confirm the provisional bail of the petitioner after satisfying that the petitioner has paid the aforesaid amount to the complainant.

(Anjani Kumar Sharan, J)

priyanka/-

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

