

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70276 of 2024

Arising Out of PS. Case No.-1756 Year-2022 Thana- Bundelkhand P.S. District- Nawada

Md. Irshad @ Md. Irshad Alam Son of Shamsad Alam Resident of Mohalla-
Mogalakhar, P.S.- Bundelkhand (O.P.), Distt.- Nawada

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Tabbasum Ara, w/o Md. IKram R/o Takiyapar, post- Nawada, p.s- bunder
khand

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rajeev Nayan, Adv.
For the informant	:	Mr. Naveen Kumar Jha, Adv.
		Ms. Daizy Kumari, Adv.
For the Opposite Party/s :		Mr.Ram Naresh Ray, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 24-02-2025 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Town (Bundelkhand O.P.) P.S. Case No. 1756 of 2022 dated 25.12.2022 registered for the offences punishable u/ss 467, 468, 471, 420 and 506 of the Indian Penal Code.

3. As per the prosecution case, on 30.04.2021, the petitioner fraudulently took Rs. 6,80,000/- from the informant through cash and Paytm showing false agreement of wrong khata and plot for the land of 15 dhur through broker and after



18 months of giving money, the petitioner is neither ready to execute sale-deed of the said land nor he is ready to return money and also threatened of dire consequences.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is further alleged that the petitioner entered into an agreement for sale of the said land but the informant could not make her full and final payment within agreed time then on request of the petitioner, land owner agreed for the time of further two months for making full and final payment but even thereafter the informant could not make payment then original land owner sold the land in question to another person and agreement of the petitioner became inoperative. The informant came to know that the land in question was sold to another person then she started to demand her money from the petitioner otherwise the petitioner was threatened to institute the case against him. Thereafter, the petitioner have undertaken to refund her money and by way installment, the petitioner returned the entire amount of Rs. 6,80,000/- to the informant. The petitioner also asked the informant for giving him receiving of full and final payment but they did not give the receipt of the said amount. When the petitioner opposed then the informant filed



the present false case against the petitioner. The petitioner has no concern with the alleged offence. Learned counsel for the petitioner placed reliance on the judgment in the case of **Bimla Tiwari vs. State of Bihar & Others (Special Leave Petition (CRL.) Nos. 834-835 of 2023)** at para 10, the Hon'ble apex court has held that "we would reiterate that the process of criminal law cannot be utilized for arm-twisting and money recovery, particularly while opposing the prayer of bail." The petitioner has three criminal antecedents as stated in para 3 of the bail petition. The petitioner is in custody since 10.07.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Nawada in connection with Nawada Town (Bundelkhand O.P.) P.S. Case No. 1756 of 2022 with the condition :-

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date,



failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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