

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74238 of 2024

Arising Out of PS. Case No.-3351 Year-2021 Thana- PATNA COMPLAINT CASE District-
Patna

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Mohammad Munwar Alam @ Md. Munabbar Alam Son of Lage Md. Ali
Ahamad Resident of Mohalla - Sherkhan Kala, P.S. - Biharsharif, District -
Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Imtiyaz Uddain Son of Late Md. Moin Uddin Resident of Mohalla -
Basar Bigha, P.S. - Sohsarai, District - Nalanda, at present resident of
Mohalla - Dariyapur Fakirwara Golden Lodge, P.S. - Pirbahore, District -
Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Majid Mahboob Khan, Adv.
For the Opposite Party/s : Ms. Shaheen Begum, APP

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

4 27-03-2025 Heard the parties.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No. 3351 of 2021 for the offence
under Sections 406, 420/34 of the Indian Penal Code

3. It is a case of monetary dispute between the
petitioner and opposite party no. 2 in relation to execution of sale
deeds.

4. Learned counsel for the petitioner submits that
petitioner is quite innocent and has falsely been implicated in this
case. Entire allegation levelled against the petitioner is completely
false. No any amount is due against the petitioner regarding the
execution of sale deed is concerned. As a matter of fact, the



complainant offered to sale his land to petitioner for which total consideration money was settled as Rs. 16,00,000/-, which has been paid to the complainant on different dates. The sale deed does not bear any cheque number. Thus, the allegation that at the time of execution of sale deed cheques were given and later on they got returned is improbable story. He submits that earlier two complaint case filed by complainant were already dismissed. Petitioner has not cheated or deceived the complainant in any manner and no any amount of complainant is due against the petitioner. So, no offence under section 420 of I.P.C. is made out against the petitioner. He further submits that it is out and out a case of civil dispute, and no criminal offence is attracted in this case, it is why all other accused persons have been granted anticipatory bail from the court below. Lastly he prays to enlarge the petitioner on anticipatory bail.

5. Learned Additional Public Prosecutor for the State as well as counsel for complainant opposes the prayer for anticipatory bail.

6. On perusal of complaint petition, it appears that complainant has executed various sale deeds in favour of accused petitioners named in complaint petition and the purchaser did not pay any money to him which is agreed in sale deeds and thus the accused persons have cheated and committed criminal breach of



trust against the complainant. The sale deed pertaining to petitioner Md. Munwar Alam is annexed with the petition, from perusal of recital it appears that complainant has received entire amount at the time of execution of sale deed. He has admitted this fact in the contents of the sale deeds. Learned counsel for the petitioner also submits that earlier, complainant has filed two complaint case which were dismissed. On the other hand, learned counsel for the complainant failed to produce the alleged cheque purported to be signed by petitioner in his favour.

7. Considering the entire facts, anticipatory bail petition of petitioner stands allowed. Let the petitioner be released on anticipatory bail in the event of arrest or surrender within a period of four weeks from the receipt 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 Judicial Magistrate, Ist Class, Patna in connection with Complaint Case No. 3351 of 2021 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(S. B. Pd. Singh, J)

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