

ORDER

Md. Jalil, 68 Years, S/o Md. Late Sumar MianPetitioner

Vs

State of Bihar.....O.P.

ORDER

03-06-2026 An application for grant of anticipatory bail filed on behalf of the above named accused petitioner namely **Md. Jalil**, who is apprehending his arrest in connection with **Complaint Case no. 855/2025** relating to offences punishable u/Ss 318(4)/ 3(5) of the B.N.S., pending in the learned Court of Shri Ambuj Kumar Dubey, J.M.F.C., Bhagalpur, is put up and moved.

Heard Mr. Saurabh Samman, learned counsel for the petitioner as well as Mr. Babar Ansari, learned Addl. P.P. for the State assisted with Mr. M.K. Singh, learned counsel for the complainant.

The case of the complainant, in short, is that accused Md. Shams Tabrej offered the complainant to purchase a piece of land for nine lakh rupees to which complainant agreed and accordingly a deed of agreement was drawn between Md. Shams Tabrej and Md. Jalil (accused petitioner) on the one hand and complainant on the other hand in which complainant paid three lakh rupees to them on the date of agreement itself and promised to pay the rest amount within six month and it was further agreed that after receiving the whole amount the sale deed would be executed in favour of complainant. Thereafter, accused persons received five lakh thirty thousand rupees from the complainant in different instalments but failed to execute the sale deed. Later on, the complainant came to know that the said piece of land stands in the name of accused Md. Jalil (accused petitioner) and accused Shams Tabrej got the deed executed in favour of complainant in order to cheat her and legal notice sent to accused persons also yielded no result.

Learned counsel for the petitioner, apart from taking the pleas of innocence and false implication, submitted that allegation of receiving money from complainant is not levelled against accused petitioner Md. Jalil but against Md. Shams Tabrej who is not petitioner herein. He further submitted that accused Md. Shams Tabrej negotiated with complainant for sale of piece of land standing in the name of Md. Jalil and obtained money without his (Md. Jalil) knowledge and after coming to know about the same, said Md. Jalil filed a Sanha against Md. Shams

Tabrej. He also submitted that Md. Shams Tabrej forcibly procured signatures of Md. Jalil on blank non-stamp paper on the point of weapon for which Md. Jalil informed to the police and also filed a complaint case which is in the stage of enquiry and prayed to extend the privileges of anticipatory bail to the petitioner on the ground of absence of criminal antecedent which is vehemently opposed by the learned Addl. P.P. for the State assisted with learned counsel for the complainant.

Heard both sides and perused the case record from which it transpires that complainant filed a complaint case against two accused persons namely Md. Jalil and Md. Shams Tabrej for cheating complainant to the tune of eight lakh thirty thousand rupees in the name of executing sale deed in respect of a piece of land but failed to execute the sale deed and also failed to return back the money taken in the name of executing the sale deed in which the learned court found a prima facie case being made out u/Ss 318(4)/3(5) of the B.N.S. against both the named accused persons. The photocopy of deed of agreement is available on record from perusal of which it transpires that it is accused Md. Shams Tabrej who has received money from complainant. Not only this, even the complainant admitted during the course of hearing before this Court that all money has been paid to Md. Shams Tabrej and no cheat of paper has been produced on behalf of the complainant showing payment of money in favour of Md. Jalil. The complaint case and Sanha as well as application given to police officials by Md. Jalil shows that he is a victim. Under these circumstances and taking into account the absence of criminal antecedent, this Court is inclined to extend the privileges of anticipatory bail to accused petitioner Md. Jalil.

Hence, the prayer for grant of anticipatory bail made on behalf of accused petitioner namely **Md. Jalil** is hereby **allowed**. It is hereby directed that in the event of arrest or surrender before the learned Court below within 30 days from the receipt of a copy of this order, the accused petitioner shall be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand rupees only) with two sureties of the like amount each to the satisfaction of the learned Court below. Petitioner is directed to file an **undertaking** that he will not misuse the privileges of bail, will cooperate in the trial and is further directed to furnish his mobile number with a direction that neither he will change the mobile number nor turn off the mobile without information to the court.

COURT OF PRABHAT KRISHNA, ADDITIONAL SESSIONS JUDGE-IV, BHAGALPUR

{ A.B.P. No. 887/2026 }
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Dictated

sd/-

(Prabhat Krishna)
IVth Addl. Sessions Judge
Bhagalpur

Date of judgment/order	03-06-2026
Date of Reserving judgment/order	-
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