

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27650 of 2016

Arising Out of PS.Case No. -65 Year- 2016 Thana -ARARIA District- ARRARIA

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Fakre Alam @ Md. Fakhre Alam, son of Late Abdul Rasid @ Majid,
Resident of Village:- Kharaiya Basti Ward no. 17 Now Rahika Tola, P.S. +
District : Araria

.... Petitioner/s

Versus

1. The State of Bihar.
2. Narayan Mandal, son of Late Fatru Mandal, Resident of Village + P.S.:
Tarawari, District- Araria

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy, Advocate
For the Opposite Party/s : Mr. Smt Sangeeta Sharma, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 12-08-2016 Heard learned counsel for the petitioner and the

learned counsel appearing on behalf of the State.

The petitioner is apprehending his arrest in
connection with Araria P.S. Case No.65 of 2016 for allegedly
having committed the offence under Sections 420 and 406/34
of the Indian Penal Code.

Learned counsel for the petitioner submits that
altogether misconceived allegations have been levelled against
the petitioner, who is said to have purchased the land, which
was sold by him to one Krishna Murari. It is submitted on
behalf of the petitioner that the dispute as stated by the
informant in the F.I.R. is with regard to the land situated in



Mauza-Basantpur, Khata No.861, Khesra Nos.2521, 2523 having a total area 8½ decimals of land, which he had purchased vide sale deed No.14449 dated 30.11.1984. Learned counsel for the petitioner further submits that actually in this case, the petitioner has sold his own land, which his father had purchased from one Abu Bakar and the particulars of the land are Khata No.861, Khesra No.9521 and Khata No.861, Plot No.9523, having an area 2 decimals 100 sq. ft. It is further submitted that the petitioner has been in peaceful possession of the land which he had got from his ancestor and the land in question sold by him does not belong to the informant.

Having heard learned counsel for the petitioner and the learned counsel for the State, it appears that the case is more of civil nature and if at all the informant has any grievance, he could have got his title adjudicated in a court of competent jurisdiction.

Considering the entire facts and circumstances and that the petitioner has a fair antecedents, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail

on furnishing bail bond of ₹10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria, in connection with Araria P.S. Case No.65 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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