

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.18160 of 2017**

Arising Out of PS.Case No. -142 Year- 2017 Thana -KATIHAR District- KATIHAR

=====

Md. Samim Ahmad Ansari @ Shamim Ahmad Ansari Son of Late Zaffar  
Ahmad Ansari R/o Mohalla - Kuli Para, P.S.- Katihar Town, District -  
Katihar.

.... .... Petitioner/s

Versus

The State of Bihar.

.... .... Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Yogendra Prasad Sinha, Adv.

For the Opposite Party/s : Mrs. Anita Kumari, APP

=====

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR**

**JHA**

**ORAL ORDER**

2      16-05-2017                      Heard both sides.

The petitioner apprehends his arrest in Katihar Town  
P.S. Case No. 142/2017, registered for the offences punishable  
under Sections 419, 420, 465, 467, 468, 471 of the Indian Penal  
Code.

The informant filed complaint case on the basis of  
which the present F.I.R. was registered. The informant alleged that  
in the year 1976 the land of Khata No. 36(new), R.S.P. No. 299  
(new) measuring area of 11 dhurs was purchased in the name of  
the petitioner and the informant, but the petitioner is alleged to  
have submitted the documents on 22.08.2013 showing that the  
land exclusively belong to the petitioner on the basis of which the



land was mutated exclusively in the name of the petitioner.

Learned counsel for the petitioner submits that the learned Sessions Judge, Katihar on the basis of the submission that second appeal no. 422/2010 and second appeal no. 605/2010 have been dismissed by this court rejected the prayer for anticipatory bail of the petitioner, but true facts are that aforesaid second appeals are not related to the land in question. The brothers and sisters of the petitioner and the informant have filed title suit no. 166/2014 for partition of the properties including the land bearing R.S.P. No. 299 of Khata No. 36.

Learned counsel for the petitioner further submits that he has just received information from his client that the mutation of land is still in the name of petitioner and informant. The petitioner is only entitled to get half share in the land on the basis of the sale deed. The petitioner never claims that he is only owner of the entire land.

On the other hand, learned counsel for informant as well as learned A.P.P. vehemently opposed the prayer for anticipatory bail of the petitioner and learned counsel for the informant submits that petitioner being the own brother of the informant forged the documents in order to get the land mutated exclusively in his name.



It appears that informant and petitioner are own brothers. Mutation does not confer any title. It is submitted that the land is still mutated in the name of the informant and petitioner and they are paying rent. The dispute is of civil nature. Title suit for partition is still pending.

Considering the facts aforesaid, 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, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Katihar in connection with Katihar Town P.S. Case No. 142/2017, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

**(Prabhat Kumar Jha, J.)**

Vinita/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

