

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63033 of 2017

Arising Out of PS.Case No. -117 Year- 2017 Thana -KEOTI
District- DARBHANGA

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Tauqueer Ahmad, Son fo Late Abdul Shakoor, resident of
Village- Khirma Pathra, P.S.- Keoti, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Md. Ahlullah Qasmi, Son of late Atikur Rahman,
Resident of Village- Chandrasenpur, P.S. Rahika, District-
Madhubani.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Anisur Rahman

For the Opposite Party/s : Mr. Sri S.M. Rahman

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

- 2 04-04-2018 The O.P. No. 2 is alleged to have sold the land of
Madarsa Bashratul Uloom, Khirma Pathra in favour of one
Smt. Sohanti Devi. Hence, the F.I.R against him vide Keoti
P.S. Case No. 117 of 2017 for the offences under Sections
406, 420, 467, 468, 471 of the Indian Penal Code.

The Court below viz. learned Sessions Judge,
Darbhanga, by order dated 25.08.2017 passed in A.B.P. No.
1074 of 2017 granted anticipatory bail to O.P. No. 2 on the
ground that prior to lodging of this case, the petitioner had
filed Keoti P.S. Case No. 133 of 2012 against the prosecution
side for having been dispossessed from the *Madarsa* land



which was the self acquired property of his grand-father.

Considering the fact that there is some dispute over the plot in question over which Madarsa is being run and such dispute being amenable to the jurisdiction of Wakf Board, the privilege of anticipatory bail was granted to O.P. No. 2.

Mr. Anisur Rahman, learned counsel for the petitioner, seeking cancellation of bail of O.P. No. 2 has submitted that because of the O.P. No. 2 having sold the land as aforesaid, he was dismissed from the post of Secretary of *Madarsa* and when the O.P. No. 2 wanted his title over the property declared, such attempt also was frustrated by the order of the concerned authority.

It has been submitted that the O.P. No. 2, therefore, deliberately and knowingly that the land does not belong to him, sold it to somebody for consideration which makes him liable for being prosecuted. Mr. Anisur Rahman has further submitted in support of the aforesaid contention that the Circle Officer, on an enquiry has also found that the land belongs to *Madarsa* and not to O.P. No. 2.

Regard being had to the facts that there is rival daim over the ownership/title of the land which is said to have been vended by the O.P. No. 2 and the issue which is capable of being decided by the Wakf Board as the matter relates to



the *Madarsa*, even though a private one, this Court is not inclined to interfere with the order granting anticipatory bail to O.P. No. 2.

The petition is, therefore, dismissed.

(Ashutosh Kumar, J)

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