

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19939 of 2018

Arising Out of PS. Case No.-487 Year-2017 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

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1. Badre Alam son of Mahmood Alam
 2. Buland Akhtar son of Noor Mohammad @ Noor Alam resident of village - Premjeewar, P.S. - Bahadurpur, District - Darbhanga.
 3. Bibi Noorun Nissan @ Nooru Nisha widow of Qutbuddin @ Qutbuddin Ahmad resident of Mohalla - Maharajganj, P.S. - Laheriasarai, District - Darbhanga.
 4. Md. Naushad son of late Yunus resident of village - Premjeewar, P.S. - Bahadurpur, District - Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Shahnawaj Akram Raza son of Md. Sabbir Ahmad resident of village - Premjeewar, P.S. - Bahadurpur, District - Darbhanga.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh
For the Opposite Party/s : Mr. Sri Akbar Ali

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-04-2018 Heard learned counsels for the parties.

The petitioners are apprehending arrest in a case registered for the offences punishable under sections 147,341,342,406,420,467,468,469,471,504,506 and 120B of the IPC.

The prosecution case as per the complaint petition filed by Shahnawaj Akram Raza is to the effect that his mother Bibi Raushan Ara purchased 1 katha land from Mahmood Alam and 5 dhurs of land from Md. Masiuddin appertaining to RS Plot No. 355 and CS Plot No. 221 and 222 through registered sale



deed and came in possession and rent receipt was issued in favour of the mother of the complainant. Since the mother of the complainant started remaining ill and his father was suffering from heart disease, petitioner nos. 1 to 3 fraudulently sold the aforesaid land of the complainant in favour of petitioner no. 2 Md. Naushad and on the basis of forged sale deed, co-accused Md. Chand and five unknown persons went to the land in question and tried to take forceful possession of the same. On protest being made, the accused persons gave threatening to implicate the family members of the complainant in false case.

It is submitted by learned counsel for the petitioners that one Sk. Lal Mohammad was the original land holder who had two sons and a daughter, namely, Noor Mohammad, Mahmood Alam and Noorun Nissan. Petitioner no. 1 is the son of Mahmood Alam and petitioner no. 2 is the son of Noor Mohammad. Only six decimals of land appertaining to RS Plot No. 355 and CS Plot No. 221 and 222 has been recorded in the name of Noor Mohammad and Mahmood Alam, which gets reflected from Khatiyani brought on record as Annexure 2. Hence, it appears that the vendors of the mother of the complainant transferred more lands than their share and in that background, the present accusation has been levelled. Statement



has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that there is specific accusation against the petitioners that they sold the land of the share of the complainant.

Considering the accusation arising out of share dispute between the vendors of the mother of the complainant and the petitioners, let the petitioners above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM – V, Darbhanga in connection with Complaint Case No. 487 of 2017 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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