

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55891 of 2019**

Arising Out of PS. Case No.-670 Year-2015 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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SYED AHMAD Son of Late Sajjad Hussain Resident of Mohalla- Miscot,
P.S.- Town, Motihari, District- East Champaran.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Sampurnanand son of Shayamsundar Resident of Mohalla- Hanuman Gadhi,
P.S. Town, Motihari, District- East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Mohammed Arif

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 04-09-2019 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Trial No.2625 of 2018 (Trial No.2363 of 2019), arising out
of Complaint Case No.C-670 of 2015, registered under Sections
420/34 and 120B of the Indian Penal Code, pending in the court
of the Additional Chief Judicial Magistrate-VI, Motihari, East
Champaran.

The accusation is that the petitioner along with broker
Shafique Ahmad alias Pappu approached Paripurnanand, the
brother of the opposite party no.2 Sampurnanand, showing
desire to sell 2 Katha land out of 10 Katha land as the



negotiation has already been made in respect of the remaining 8 Katha land with four other persons, disclosing that the land is belonging to his sister Kayma Khatoon, who is presently ill. Thereafter, the opposite party no.2 along with his brother Paripurnanand and four others went at the Registry Office, where at the table of Sanjay Kumar Srivastava (deed writer), a Pardanashin lady was present, who was introduced by the petitioner and broker Shafique Ahmad alias Pappu as Kayma Khatoon, the sister of the petitioner, and, thereafter, she executed the sale deed in favour of the brother of the opposite party no.2 and four others. Later on, police came to the house of the opposite party no.2 in search of his brother Paripurnanand and told the opposite party no.2 that Kayma Khatoon has filed the case to get executed the sale deed by his brother Paripurnanand and four others putting fake lady at her place.

Learned counsel appearing on behalf of the petitioner submits that, in fact, Kayma Khatoon, who is sister of the petitioner, has lodged an F.I.R. against seven persons about getting execution of the sale deeds of her land by putting fake lady on her place but she has not made the petitioner as an accused in that case.

Since the forged sale deed was executed by fake lady



to four persons including the brother of the opposite party no.2, putting in place of Kayma Khatoon, hence, no question arises to make the petitioner as accused in the F.I.R. lodged by Kayma Khatoon.

Having considered the facts and the circumstances of the case and the nature of allegation against the petitioner, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer of the petitioner for grant of anticipatory bail stands rejected. However, the petitioner is directed to surrender before the trial court within four weeks from today and pray for regular bail, which shall be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

P.S./-

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