

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 139 of 2020

Arising Out of PS. Case No.-2813 Year-2015 Thana- COMPLAINT CASE District- Araria

1. BIBI SHOEBA KHATOON W/o Md. Tahir,
2. Md. Saur Alam, Son of Late Md. Tahir,
Both are Residents of Dimhya, Ward No.3, P.S.- Jalalgarh, Distt- Araria
3. Md. Shokat Ali, S/o Md. Sahabuddin,
4. Md. Marghoob Alam, S/o Abdul Sakur,
Both are Residents of Village- Prasadpur Dumaria, P.S.- Jokihat, Distt- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Jawwad Alam, son of Abdul Aziz, resident of village-Diyari, P.S.+
District-Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rama Nand Poddar
For the Opposite Party/s : Mr.Kumar Veerendra Narayan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 20-02-2020 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 420 and 120 (B) of the Indian Penal Code.

Prosecution case as per complaint petition is that the complainant purchased 84 decimal and 56 decimal land from petitioner no.1 and 3 respectively through two registered sale deeds the year 2014 and 2015. But on 26.09.2015 about 10.00 AM when the complainant tried to get marked the boundary for



construction he was obstructed by nephew of Abdul Kadir. The complainant was told that he has been cheated as Abdul Kadir had gifted only one-third land (his share) to his daughters vide gift deed no. 3624 of 1872. Nephew of Abdul Kadir gave photocopy of that gift deed to the complainant and by going through it the complainant first time came to know that Abdul Kadir had gifted only one-third of the total land mentioned in that gift deed but the petitioners misrepresented and sold more than their share.

Learned counsel for the petitioners submits that the petitioners are innocent and they have falsely been implicated in this case. As a matter of fact the complainant perused the gift deed executed by Abdul Kadir and then decided to purchase the land. There is civil dispute between the parties. The petitioners have got no criminal antecedent.

From perusal of the record and specifically the copy of the mother-deed i.e. gift deed no. 3624 of 1972 it is clear that it is a questionable document as no definite property has been gifted to the donees. As per cital of the said deed it is clear that the boundary of entire land is given and out of that one-third has been gifted without specifying the area, boundary or even side of the plot. Total area 1165 is 62 decimal and total 62 decimal



has been purportedly sold to complainant, similarly entire area of plot no. 1174 has been sold.

In the aforesaid facts and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs. 20,000/- (rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-Vth, Araria, in connection with Complaint Case No. 2813 of 2015, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J)

amitkumar/-

U		T	
---	--	---	--

