

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12313 of 2021

Arising Out of PS. Case No.-575 Year-2019 Thana- BETTIAH CITY District- West
Champaran

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1. SK. KITABUDDIN Son of Late Sukat Resident of Harpur Tola, Bhogali, P.S.- Majhauriya and District- West Champaran.
 2. Sk. Anwarul Haque @ S.K. Anwar Son of S.K. Ali Imam Resident of Harpur Tola, Bhogali, P.S.- Majhauriya and District- West Champaran.
 3. Dhurup Prasad Son of Late Amar Prasad Resident of Village- Laukariya, P.S.- Raxaul and District- East Champaran and at present residing at D.P.Verma Complex in front of Civil Court, Bettiah, P.S.- Bettiah Town and District- West Champaran. ... Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioners	:	Mr. Mohammed Abu Haidar, Adv.
For the State	:	Mr. Anil Prasad Singh, APP
For the Informant	:	Mr. Rananjay Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 24-12-2021 Heard Mr. Mohammad Abu Haider, learned Advocate for the petitioners, Mr. Rananjay Kumar, learned Advocate for the informant and Mr. Anil Prasad Singh, learned Additional Public Prosecutor for the State.

The application with respect to petitioner no. 1 (Sk. Kitabuddin) had earlier been withdrawn because of his arrest during the pendency of this application.

Petitioners 2 and 3 seek bail in anticipation of their arrest in connection with Town (Bettiah) P.S. Case No. 575 of 2019 dated 07.08.2019 instituted for the offences under Sections 420, 406, 467, 468, 471 and 120(B) of the Indian Penal Code.

The accusation in nutshell is that the petitioners have



got a land transferred in their name fraudulently even when it had been purchased by the father of the informant much before.

Learned counsel for the petitioners has submitted that an absolutely false case has been lodged against them. With respect to the dispute over the land in question, a title suit has already been filed before a competent Court in which the parties are contesting. Apart from this, there have been series of litigation between both sides. Co-accused/Sk. Kitabuddin is also alleged to have purchased the land from the same vendor from whom the father of the informant is stated to have purchased the land in question.

Petitioner no. 3 is said to have further acquired some part of the same plot from said Sk. Kitabuddin.

Thus it has been urged on behalf of petitioners 2 and 3 that the present case is essentially in the domain of civil dispute but wrongly and with ulterior motive, a colour of criminal case has been given. Both the parties have staked their claim over a particular land which they claim to have purchased on valid consideration.

This issue can only be decided by a competent Civil Court in the title suit for declaration of title or perhaps recovery of possession. So far as the offences under various sections of



the Indian Penal Code are concerned, those are in the realm of doubt.

For the reasons aforestated, the petitioners 2 and 3 are directed to be released on bail, in the event of their 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, on their furnishing bail bonds in the sum of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, West Champaran at Bettiah, in connection with Town (Bettiah) P.S. Case No. 575 of 2019 subject to the conditions as laid down under Section 438(2) of the Criminal Procedure Code.

(Ashutosh Kumar, J)

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