

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19120 of 2021**

Arising Out of PS. Case No.-355 Year-2018 Thana- KORHA District- Katihar

1. Nasim Ansari Son Of Late Hanif Ansari R/O Village- Laxmipur, P.S.- Barari, District- Katihar.
2. Aftab Ansari Son Of Late Hanif Ansari R/O Village- Laxmipur, P.S.- Barari, District- Katihar.
3. Samad Ansari Son Of Jabbar Ansari R/O Village- Laxmipur, P.S.- Barari, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimal Kumar
For the Opposite Party/s : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 14-12-2021 Heard learned counsel for the petitioners and

learned APP for the State.

Learned counsel for the petitioners is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by the office when called upon to do so by the office.

The petitioners are apprehending their arrest



in a case registered for the offences punishable under Sections 406, 420, 467, 468, 506/34 of the Indian Penal Code.

Learned counsel for the petitioners seeks permission to withdraw the petition with regard to petitioner No. 3 namely Samad Ansari since he has been arrested.

Permission is accorded.

Accordingly, the petition with regard to petitioner No. 3 is permitted to be withdrawn.

It is alleged that the complainant purchased a land from the petitioners for a consideration amount of Rs. 8,40,000/- and paid the entire amount. The sale deed was thereafter executed in her favour. But when she went for boundary of the aforesaid land, she was informed that the land in question has already been purchased by one Ravindra Bhagat.

It is submitted by learned counsel for the petitioners that petitioners never executed any sale



deed in favour of Ravindra Bhagat, rather one Mansur Ali, Md. Mustak Alam and Abid Ali sold their shares in his favour and petitioner Nos. 1 and 2 are also one of the coparceners of the land and the area of Khata No. 31, Khesra No. 39 is 0.93 decimal and in Khesra No. 79, the area is one acre 70 decimals which is evident from the Khatian itself. Moreover, for a civil nature of dispute, the petitioners cannot be prosecuted in a criminal proceeding. A statement has been made in para 3 of the petition that petitioners have no criminal antecedent.

In the facts and circumstance of the case, let the petitioners, above named, except petitioner No. 3, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousands) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection



with Korha P.S. Case No. 355 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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