

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29107 of 2021

Arising Out of PS. Case No.-243 Year-2016 Thana- CIVIL LINE District- Gaya

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MAHTAB KHAN @ LADDAN MIAN @ MAHTAB AHMAD @ MAHTAB AHMAD KHAN Son of Abrar Mian @ Abrar Ahamad Resident of Mohalla- New Karim Ganj, Road No.14, P.O.- Karim Ganj, P.S.- Civil Lene, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tanweer Ahmad, Advocate

For the informant : Mr. Anil Chandra, Advocate

Mr. Vinod Shankar Modi, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 09-12-2021 Heard Mr. Tanweer Ahmad, learned counsel for the petitioner, Mr. Anil Chandra, learned counsel for the informant and Mr. Vinod Shankar Modi, APP for the State.

Petitioner seeks regular bail in connection with Civil Lines P.S. Case No. 243 of 2016 arising out of complaint case no. 907(c) of 2016 registered for the offence under Section 149,341, 323, 379, 457, 384, 467, 468, 427 , 420, 120(B) /34 of the I.P.C.

The allegation as per the First Information Report is that the petitioner along with other accused persons prepared a forged and fabricated document of power of attorney and the



accused persons have been claiming their right and title over the land owned by the complainant -cum- informant. It has further been alleged that the petitioner along with other accused persons also demanded extortion amount of Rs. 5 Lakh from the complainant- cum -informant and when the same was refused by the informant, on 18-06-2016 in the night the accused persons along with several unknown persons armed with deadly weapons started fencing the barren land of the informant having area of 3-4 katha through the barred wire and upon protest the petitioner and his brother / Guddu Mian on the gun point threatened the complainant / informant to pay a sum of Rs. 10 Lakh failing which they would kill the informant.

Learned counsel for the petitioner submits that the subject matter of the disputed land is plot no. 1016, khata no. 02 having area of 1360 sq. feet situated in Mohalla- Karim Ganj, District-Gaya upon which residential *pucca* house of the petitioner is standing since 2015. He submits that a Title Suit bearing Title Suit No. 630 / 2018 has been filed by the complainant- cum- informant against the petitioner and others for declaration of title upon the subject land which is still pending before the court below. He next submits that the allegation of preparing forged document against the petitioner in



the complaint- cum- First Information Report is absolutely incorrect as the petitioner is the purchaser of the subject land from one Saleha Khatun by way of registered sale deed of 2015.

On the other hand, learned counsel for the informant submits that the petitioner is a dreaded criminal and a member of land *mafia* and on the basis of forged document prepared by the petitioner along with his brother he has grabbed the land of the informant. He next submits that the petitioner is an absconder inasmuch as complaint -cum -F.I.R. is of 2016 but he has been arrested on 18th December 2020.

In reply, learned counsel for the petitioner submits that petitioner was not having any knowledge of lodging of the complaint petition against the petitioner by the informant which was referred to the Police for registration of the F.I.R. and he for the first time came to know about the pendency of the complaint -cum- F.I.R. filed by the informant after his arrest on 18th December 2020.

Regard being had to the submissions made by the parties and taking into consideration the materials available on record, the fact that there appears to be dispute of title between the parties and title suit is still pending for consideration before the learned court below, the petitioner is in custody since



18/12/2020 and charge sheet has already been submitted and as such, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Gaya in connection with Civil Line (GAYA) P.S. Case No. 243 of 2016 on the following condition:-

(i) that the petitioner shall remain present on each and every date during the course of trial and in case of default on two consecutive dates on the part of the petitioner, his bail bond shall liable to be cancelled.

(Anil Kumar Sinha, J)

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