

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25399 of 2022**

Arising Out of PS. Case No.-145 Year-2022 Thana- FORBESGANJ District- Araria

Meer Shakil, Son Of Late Meer Wali Mohammad Resident Of Village -
Pachhiyari Jhiruba, P.S.- Simraha, Distt.- Araria.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Zeyaul Hoda

For the Opposite Party/s : Ms. Anita Kumari

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 28-06-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Sections 341,
323, 406, 419, 420, 467, 468, 504 and 506 of the Indian Penal
Code.

The learned counsel for the petitioner submits that the
petitioner has antecedent of two cases and the informant, who is
his own niece, has instituted the present F.I.R. alleging that on
23.01.2022, the petitioner took the informant on pretext of her
medical treatment to Purnia hospital where she stayed in Purnia
hospital for three days with her maternal aunt Sabrin Khatoon.
Thereafter, the petitioner brought her at hospital of Abnusra at
Forbesganj hospital on 28.01.2022 and there with dishonest
intention and under threat got the sale deed executed with
respect to 05 decimal of land appertaining to plot no.436, khata



no.186 by taking advantage of the blindness of the informant.

The learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is next submitted that petitioner is own Mama of the informant and the informant is blind since childhood and is also suffering from tuberculosis. It is next submitted that it is the petitioner, who takes care of the informant and even got her medically treated. It is next submitted that date of execution of the sale deed is 28.01.2022 and the F.I.R. has been instituted on 08.02.2022 i.e. after an inordinate delay of 11 days without any plausible explanation. It is next submitted that the informant herself discloses in the F.I.R. that she has 20 decimal of land, out of which the petitioner purchased 05 decimal of land. It is thus submitted that if the petitioner had any intention to cheat the informant, then he would have got the sale deed executed with respect to her entire share of property i.e. 20 decimals of land. The learned counsel for the petitioner submits that since the 05 decimals of land which has purchased forms of the part of front of the land, as such, the brothers of the informant, who are eyeing her property as she is unmarried, as such, got the present false case instituted against the petitioner. The learned counsel next submits that even presuming what has been alleged is true



without admitting for the purposes of anticipatory bail, then the allegation as alleged in the F.I.R. are purely civil in nature and if the informant is aggrieved for any reason, then she has a remedy of getting the sale deed cancelled in accordance with law.

The learned Additional Public Prosecutor opposes the anticipatory bail application.

Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Forbesganj (Simraha) P. S. Case No.145 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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