

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36519 of 2022

Arising Out of PS. Case No.-161 Year-2022 Thana- BIHAR District- Nalanda

MD. ISHTIYAQ RAZA @ ISHTIYAQ RAZA @ ISHTEMAQ RAZA Son of
Late Md. Nayemuddin Resident of village - Garhpar, P.S.- Bihar, District -
Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashhar Mustafa, Adv.

For the Opposite Party/s : Mr.Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 28-09-2022 Heard learned counsel for the petitioner and learned APP
for the State.

Learned counsel for the petitioner is directed to remove
the defects within four weeks.

The petitioner apprehends his arrest in a case registered
for the offence punishable u/s 341, 323, 379, 386, 387 and 34 of
the IPC, 1860.

As per prosecution case, informant has given his flat on
rent to the petitioner but when he asked him to vacate the land,
the petitioner abused and assaulted him and said that remaining
rent of Rs.90,000/- has been kept as *rangdari* tax and to vacate
the flat, informant will have to pay 50,000/- along with
rangdari tax. It is further alleged that petitioner snatched the



gold chain and cash of informant.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. It is submitted that petitioner has five criminal antecedent and in all the cases he has been acquitted. It is submitted that on 02.09.2021, one Masruddin Shah executed a lease deed in favour of the petitioner for a period of five years and petitioner has paid the rent to Masruddin Shah and residing in the house as a tenant. It is further submitted that a civil suit bearing Title Suit No.364/2021 subsists between the informant and Masruddin Shah, which is pending in the court below, Biharsharif, Nalanda.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, it appears that there is a civil nature of dispute between the informant and Masruddin Shah and petitioner has been made accused in rivalry of two parties, as such, I am inclined to enlarge the petitioner on anticipatory bail.

Accordingly, let the above named petitioner, be released



on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Bihar P.S. Case No.161 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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