

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.47937 of 2022**

Arising Out of PS. Case No.-245 Year-2021 Thana- ARA MUFFASIL District- Bhojpur

Ansarul Haq S/o Late Hasibul Haq Resident of Village- Chakiya, P.S.- Ara Muffasil, District- Bhojpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Priyadarshi Matri Sharan, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 09-12-2022 Learned counsel for the petitioner will remove all the defects as pointed out by office within two weeks from today.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Ara Muffasil P.S. Case No. 245 of 2021 registered for the offences punishable under Sections 420/467/471/468/34 of the Indian Penal Code. He is in custody since 07.06.2022 having two criminal antecedents.

As per the prosecution story, the informant has alleged that as per Title Suit No. 90 of 1996 his mother became owner of the land situated at Mauza – Sanadiya, Circle + P.S. Ara Muffasil appertaining to Khata No. 175, Khesra No. 795 admeasuring 67 decimals of land and he is having possession



over the said land for the last 40 years. It is alleged that the accused persons along with some other miscreants sold 9 Kathas land from the said piece by making forged rent receipt and they are trying to grab all the land and threatened him to kill.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Learned counsel submits that both the parties are closely related to each other and the present dispute is of purely civil nature, however petitioner is in custody since 07.06.2022.

Learned counsel for the petitioner has submitted that in paragraph '2' of the application though the description of only two cases have been given but during pendency of this application cognizance has been taken in one complaint case also, therefore total number of criminal antecedents would be three.

Learned counsel for the petitioner is permitted to file supplementary affidavit by 14th December, 2022 in this regard.

Mr. Akhileshwar Dayal, learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that both the parties are closely related to each other and the present dispute is a pure



simple civil dispute, petitioner is said to be in custody since 07.06.2022, this Court directs release of the petitioner above-named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate – VII, Ara, Bhojpur in connection with Ara Muffasil P.S. Case No. 245 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

Certified copy of this order shall be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

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