

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14371 of 2023

Arising Out of PS. Case No.-449 Year-2022 Thana- NALANDA COMPLAINT CASE
District- Nalanda

Md. Abunasar, Son of Late Abdul Aziz, Resident of Ward No.-9, Bari Masjid,
P.S.- Sohsarai, District- Nalanda

... .. Petitioner

Versus

1. The State of Bihar
2. Priyanka Kumari D/O Late Birendra Kumar Singh, Resident of Mohalla-Sherpur, P.S.- Bihar, Town Biharsharif, District- Nalanda

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Bhola Prasad, Advocate
For the State	:	Mr. Narsingh Tanti, APP
For the informant	:	Mr. Anil Chandra , Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-05-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner in the present case is seeking pre-arrest bail in connection with Complaint Case No. 449(C) of 2022 registered for the offences punishable under Sections 420, 504, 506/34 of the Indian Penal Code. He has no criminal antecedent.

As per the prosecution story, this petitioner had introduced the complainant with one Anju Devi. The informant purchased a piece of land from said Anju Devi, however, it is alleged that this petitioner stood as a witness on the sale deed. It is also alleged that some of the amounts were received by the petitioner. Later on, after registry of the land, it was found that a portion of the land belongs to Imambara. It is alleged that in



this manner, the co-accused sold the land to the complainant-O.P. No. 2 after receiving a consideration amount of Rs.18,90,000/-.

Learned counsel for the petitioner submits that in fact the sale deed was executed on 30.06.2020 whereafter the complainant got her name mutated in the records but at this stage a dispute has arisen and it is being alleged that a part of the plot is an encroachment over the land of Imambara.

Learned counsel submits that merely because the petitioner introduced the complainant with the vendor and facilitated the sale, it cannot be said that he had an intention to cheat the complainant. It is stated that the petitioner is an old man of 75 years and is suffering from cancer.

Learned counsel for the complainant-O.P. No. 2 has opposed this application. It is submitted that the petitioner has introduced the complainant to the vendor and had made her to believe that the land in question belonged to the vendor whereas at this stage it has transpired that a portion of land is in the land of Imambara.

Having regard to the facts and circumstances of the case, the nature of dispute as stated above, the age of the petitioner being 75 years and is suffering from cancer, in totality



of the circumstances, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail in connection with Complaint Case No. 449(C) of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Nalanda at Biharsharif, subject to the conditions as laid down under Section 438(2) of the 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 step 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.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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