

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15290 of 2023

Arising Out of PS. Case No.-1235 Year-2021 Thana- PURNIA COMPLAINT CASE District-
Purnia

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1. Abdul Zabbar @ Abdul Jabbar S/O Sheikh Mazid Resident of Village- Islam Nagar, Madhopura, P.S.- K. Hat (Sahayakk), District- Purnea.
 2. Md. Riyaz S/O Md. Samid Resident of Village- Lauwa Lagam East, P.S.- Chousa, District- Madhepura.
 3. Md. Zahir S/O Md. Hanif Resident of Village- Janki Nagar, P.S.- Janki Nagar, District- Purnea.
 4. Md. Yusuf S/O Late Nasiruddin Resident of Village- Janki Nagar, P.S.- Janki Nagar, District- Purnea

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sanjeev Kumar Sharma S/O Late Madan Lal Sharma Resident of Village- Khajanchi Hat, P.S.- Khajanchi Hat, District- Purnea.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 18-05-2023 At the outset, learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application with regard to petitioner No. 1 as he has passed away during pendency of the case and so his anticipatory bail application has become infructuous.

Permission is granted.

The anticipatory bail application with regard to above named petitioner No. 1 is dismissed as withdrawn.

Heard the parties.



Petitioner Nos. 2, 3 and 4 apprehend arrests in a case registered for the offences punishable under Sections 415 and 368 of the Indian Penal Code.

It is alleged that all the F.I.R. named accused persons including these petitioners prepared a forged sale deed of land bearing Khata No. 236, Khesra No. 99, total area 4 decimal land in order to grab the land of the complainant.

Petitioner Nos. 2 and 3 are the purchasers and petitioner No. 4 is witness of the alleged forged sale deed.

Learned counsel appearing for the petitioners submits that complainant is holder of power of Attorney and in order to extort money this false and concocted case has been lodged against the petitioners. Petitioner Nos. 2 and 3 are *bona fide* purchasers and have purchased the land in question after payment of due consideration. Moreover, it is a case of civil dispute. Petitioners have got clean antecedent.

Learned counsel for the complainant vehemently opposes the bail application.

Considering the aforesaid facts and circumstances, this anticipatory bail is allowed and it is ordered that the above named petitioner Nos. 2, 3 and 4 in the event of their arrest/surrender before the court below within a period of six



weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 1st Class, Purnea in connection with C.A. Case No. 1235 of 2021, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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