

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22460 of 2023

Arising Out of PS. Case No.-1299 Year-2022 Thana- PURNIA COMPLAINT CASE District-
Purnia

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NASIMUDDIN Son of Late Tamijuddin Resident of village - Sahangaon,
P.S.- Amour, District - Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md. Shamimul Hoda, Adv

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner and the

learned APP for the State.

The petitioner is apprehending his arrest in connection
with Complaint P.S. Case No. 1299 of 2022 registered for the
offence punishable under Sections 423, 341, 379, 504, 420, 466
and 120B of the Indian Penal Code.

It is alleged that the ancestors of the complainant and
the accused person had exchanged certain lands. The petitioner,
ignoring the exchange by ancestors, had proceeded to sale 03
decimals 222 Squire Kari of land from the portion which in
exchange had vested with the complainant side. There is
allegation of manhandling, on objection also.

Learned counsel for the petitioner submits that there



was no such exchange between the ancestors of the complainant and the informant; and no such document has been placed along with the complaint. To bring the accused-petitioner to terms and to coercion to part with certain lands, the prosecution has been executed *malafide* based on the complaint case. The petitioner is aged about 70 years and has no criminal antecedents.

Learned APP for the State has opposed the prayer for pre-arrest bail.

This Court, on consideration of rival submissions, having regard to the nature of allegations made in the complaint, on going through the same, is inclined to accept the submission advance by learned counsel for the petitioner, regarding the complaint being in respect to certain disputes of title over certain lands. Such observation is for the limited purposes of consideration for grant of anticipatory bail to the petitioner. This Court is inclined to allow petitioner's prayer for grant of anticipatory bail.

Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned



Judicial Magistrate-1st Class, Purnea in connection with Complaint P.S. Case No. 1299 of 2022, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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