

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25629 of 2023

Arising Out of PS. Case No.-1253 Year-2021 Thana- GAYA COMPLAINT CASE District-
Gaya

-
1. Md. Usman Son Of Md. Islam @ Subhan Miyan Resident Of Village - Chand Bajidpur, P.S. - Belaganj, Distt. - Gaya
 2. Naema Khatoon Wife Of Late Abdul Hamid Resident Of Village - Chand Bajidpur, P.S. - Belaganj, Distt. - Gaya
 3. Hafij Md. Shakil Ahmad Son Of Md. Islam @ Subhan Miyan Resident Of Village - Chand Bajidpur, P.S. - Belaganj, Distt. - Gaya
 4. Md. Farid Son Of Md. Islam @ Subhan Miyan Resident Of Village - Chand Bajidpur, P.S. - Belaganj, Distt. - Gaya
 5. Asma Khatoon Wife Of Akbar Hussain, D/O Md. Islam @ Subhan Miyan Resident Of Village - Chand Bajidpur, P.S. - Belaganj, Distt. - Gaya
 6. Md. Sahjada Anwar @ Sahjada Anwar Son Of Abdul Rasid Resident Of Village - Chand Bajidpur, P.S. - Belaganj, Distt. - Gaya
 7. Sitara Khatoon D/O Manir Miyan, Daughter Of Md. Islam @ Subhan Miyan Resident Of Village - Chand Bajidpur, P.S. - Belaganj, Distt. - Gaya
 8. Md. Subhan Son Of Md. Rafiq Resident Of Village - Bhadeja, P.S. - Muffasil, Distt. - Gaya
 9. Shakila Khatoon Wife Of Md. Usman Resident Of Village - Rahimpur Mohalla Near Faridiya Masjid, P.O. -KULTI, P.S. - Kulti, Distt. - Bardman (WEST Bengal) At Present Resident Of Mohalla Nichli Mohalla Jehanabad Near Talimun Islam Madrsa, P.S. - Jehanabad, Distt. - Jehanabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Israfil Son Of Late Jangalu Mian Resident Of Village - Chand Bajidpur, P.S. - Belaganj, Distt. - Gaya (bihar), At Present Majidiya Park Kulti, M. Bardhman (west Bengal)- 713343

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Swati Mishra, Advocate
For the Opposite Party/s : Mr.Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 07-07-2023 Heard learned counsel for the petitioners and the
learned APP for the State.



The petitioners are apprehending their arrest in connection with Complaint Case No. 1253 of 2021 registered for the offence punishable under Sections 468, 471 and 120B of the Indian Penal Code.

As per the complaint, the accused petitioners have sold their ancestral lands to co-accused Shakila Khatoon. When the complainant objected, it is alleged that the accused persons have assaulted him and snatched his bag containing some documents, some cash, and a gold chain.

Learned counsel for the petitioners submits that the complainant's side has lost in the civil dispute for the right title and possession of the same lands, as per the final order passed by the Hon'ble Patna High Court in First Appeal No. 310 of 1985. Having failed to assert his right in the civil case, he is now resorting to abuse of the Criminal Court for settling civil scores. There is no injury report to support the allegation regarding assault. The allegation of snatching of documents and gold chain is a super addition to make the offences look grave. In fact, the parties are related to each other, and no such incident of violence has occurred. The Court of learned Sessions Judge Gaya, while rejecting the petitioners' prayer for anticipatory bail, has found, based on the records of the lower Court, that a



land dispute is admitted between the parties and that the case is of civil nature between relatives.

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

Considering the rival submissions, the fact that the parties are relatives and there is subsisting civil dispute, lack of any material to support the alleged injuries, and the clean antecedents of the petitioners, this Court is inclined to allow the petitioners' prayer for grant of anticipatory bail.

Accordingly, let the petitioners, above named, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Gaya in connection with Complaint Case No. 1253 of 2021, 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 petitioners who will give an affidavit giving genealogy as to how he is



related with the petitioners. The bailor will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

uttam/-

U		T	
---	--	---	--

