

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23593 of 2023

Arising Out of PS. Case No.-1953 Year-2022 Thana- PURNIA COMPLAINT CASE District-
Purnia

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1. Munaj Khatoon @ Munaj Wife Of Naushad Shah Resident Of Village -SAH Tola, Fatehpur PS Kasba, District Purnea
 2. Naushad Shah Son Of Ibrahim Shah Resident Of Village -SAH Tola, Fatehpur PS Kasba, District Purnea
 3. Ibrahim Shah Son Of Late Alijan Shah Resident Of Village -SAH Tola, Fatehpur PS Kasba, District Purnea

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dulari Khatoon Wife Of Md. Nishamul Shah Resident Of Village- Fatehpur Madarghat Ps- Kasba Distt - Purnea

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal, Advocate
For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Section 420 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the complainant alleges that her husband for the purposes of marriage of their daughter agreed to sell his land for a consideration of Rs. 3,50,000/- with Naushad, it is next alleged



that Naushad got the sale deed executed after paying only Rs. 1,00,000/- on 26.06.2021, taking advantage of the fact that her husband is deaf and dumb, it is further alleged that thereafter a *panchayati* was convened but Naushad did not come, it is next alleged that on 06.09.2022, while her husband was coming back from work, when he was assaulted and abused by the accused persons and they also misbehaved with the complainant.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case, it is next submitted that from perusal of the allegations as alleged in the FIR it would manifest that the dispute is completely civil in nature but has been given a criminal colour, it is also submitted that the sale deed was executed on 26.06.2021 and if the complainant had any grievance against execution of the sale deed then in that event a complaint or an FIR ought to have been instituted properly but the complaint came to be instituted on 23.09.2022. Learned counsel submits that in order to coerce the petitioner into submission, the present complaint case has been instituted alleging that after execution of the sale deed, the accused persons assaulted her husband on 06.09.2022, further the allegation of assault is also general and omnibus in nature.

5. Learned A.P.P. for the State opposes the prayer for



anticipatory bail of the petitioners.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with C.A. Case No. 1953 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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