

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38721 of 2023

Arising Out of PS. Case No.-213 Year-2022 Thana- KURSAKANTA District- Araria

-
1. Iban Masud Ansari @ Md. Masud Ansari, Son of Late Md. Ali Ansari, Resident Of Village - Siktiya Naya Tola, P.S. - Kursakanta (sonamani Godam), Distt. - Araria
 2. Mortoja Ansari @ Md. Murtaja Ansari, Son of Iban Masud Ansari @ Md. Masud Ansari, Resident Of Village - Siktiya Naya Tola, P.S. - Kursakanta (sonamani Godam), Distt. - Araria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Hafijuddin Ansari, Son of Late Salauddin Ansari, Resident of Village - Siktia Naya Tola, P.S. - Kursakanta (Sonamani Godown), Distt. - Araria, presenting At Jiyajori, P.S. - Mahgama, Distt. - Godda (Jharkhand)

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate
For the Opposite Party/s : Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioners and learned counsel for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Kursakata P.S. Case No. 213 of 2022, registered on 15.11.2022 for the offences under Sections 447, 323, 504, 379 and 420/34 of the Indian Penal Code.

3. As per prosecution case, petitioner no.1 sold a number of plots to different persons including 0.18 decimals land to the vendor of the brother of the informant. When the informant and his sister went to take possession, the petitioners



opposed their occupation and abused and pushed them.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. No occurrence as alleged has ever taken place. Petitioners are having no concern with the informant. The petitioners never entered into any agreement to sell the land and never received any consideration amount. So, no question of cheating the informant or his brother arises. It is apparent from the FIR that the petitioner no.1 sold 0.18 decimal land to one Anisur Rahman Ansari in 1991 and thereafter the informant and his brother purchased 0.18 decimal land from Anisur Rahman Ansari in 1998 and not from the petitioners. Petitioner no.1 sold his land to different purchaser with the consent of his sister. Even if the land sold to the vendor of the brother of the informant was in share of the sister of the petitioner no.1, the same can be challenged either by the vendor or by the sister of the petitioner. Obviously, there appears some civil dispute over the identification of land and title over it and it cannot be converted into a criminal case. The petitioners are having clean antecedent.

5. Learned APP opposes the prayer for anticipatory bail.

6. Having regard to the facts and circumstances and



submissions made on behalf of the parties and considering the predominantly civil nature of dispute between the parties and further considering the vague nature of allegation against the petitioners, let the petitioners above named in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1, Araria/concerned court in connection with Kursakata (Sonamani Godan) P.S. Case No. 213 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

(i) One of the bailors will be a close relative of the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

balmukund/-

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

