

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50839 of 2023

Arising Out of PS. Case No.-252 Year-2022 Thana- MEHSI District- East Champaran

Kalimur Rahman @ Md Kalimur Rahman, Son of Late Serajul Haque Ansari,
Resident of Village- Moghalpura P.S.- Mehshi Dist- East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Uday Prakash Shrarma, Advocate
For the State	:	Mr. Vinod Shanker Modi, APP
For the Informant	:	Mr. Ajay Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 23-08-2023 Heard learned counsel for the petitioner and learned
counsel for the informant as also learned APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Mehshi P.S. Case No. 252 of 2022 registered for the offences punishable under Sections 406, 420 of the Indian Penal Code. He has one criminal antecedent.

3. Learned counsel for the petitioner submits that in paragraph '3', it is stated that the petitioner has criminal antecedent, however, the case number has not been stated. Learned counsel states that the petitioner has got one criminal antecedent and he will disclose it in the learned court below.

4. As per the prosecution story, on 07.03.2021, the informant purchased land measuring one katha three dhur in the name of his wife and his sister-in-law each from one Sajda



Khatoon through two registered sale deeds. It is further alleged that when the informant reached the plot, the local people told him that the said pieces of land have already been sold by the co-sharers of the family. A panchayati was also held in which the five FIR named persons along with this petitioner had appeared and they admitted their mistake and assured to return Rs.13,35,000/-. It is further alleged that Rs.12,65,000/- was given on stamp paper and Rs.7,000/- was paid cash. When the informant asked Kalimur Rahman (this petitioner) about the said money, he threatened him to kill him and his family members as well.

5. Learned counsel for the petitioner submits that from the observations made in the impugned order itself, it would appear that in course of investigation, the Investigating Officer has found that the land in question still exists in the name of the co-accused Sajda Khatoon and it is this co-accused who has executed the sale deed in favour of the informant.

6. Learned counsel further submits that the property in question is a self-acquired property of said Sajda Khatoon and she has not sold it to any other person. It is pointed out from the recitals in the sale deed that in the said recital, it is clearly stated that the purchaser has been put in possession of the property in



question.

7. It is further submitted that in the sale deed, the vendor of the informant has given an undertaking that, in case, there will be any difficulty in the matter of title or possession, the vendor shall return the entire amount to the purchaser with interest and cost.

8. Learned counsel submits that Md. Taufic @ Taufique a mediator has been granted privilege of anticipatory bail by learned co-ordinate Bench of this Court vide Cr. Misc. No. 50265 of 2023. Sajda Khatoon is said to have been granted regular bail.

9. Learned counsel for the informant has opposed the prayer for pre-arrest bail of the petitioner. It is submitted that when the informant was not getting possession of the land in question as another person was objecting to the said possession, there was a Panchayat in which this petitioner had agreed to to refund Rs.12,65,000/- which he has not yet refunded.

10. Having regard to the facts and circumstances of the case, the nature of dispute and the submission based on the recitals made on the sale deed which is a registered document as also that one co-accused has been granted privilege of pre-arrest bail by this Court, this Court directs that in case of his arrest or



surrender within a period of four weeks from today, the petitioner above named be released on bail in connection with Mehsi P.S. Case No. 252 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned XXth Additional Sessions Judge, East Champaran, Motihari, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

11. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

12. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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