

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59638 of 2023

Arising Out of PS. Case No.-1634 Year-2022 Thana- PURNIA COMPLAINT CASE District-
Purnia

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1. Bibi Hasiba Khatoon W/O Md. Shahid R/O Village- Dogachhi, Ward No. 4, Ps. Kasba, Dist. Purnea
 2. Md. Shakil @ Md. Sakil S/O Md. Amil @ Bholai R/O Village- Dogachhi, Ward No. 4, Ps. Kasba, Dist. Purnea

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Mohtaram S/O Late Md. Muslim R/O Village- Dogachhi, Ward No. 4, Ps. Kasba, Dist. Purnea

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md Fazle Karim, Advocate
For the Opposite Party/s : Mr.Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-10-2023 Heard the parties.

2. Learned counsel for the petitioners submit that during the pendency of the case, petitioner no.2 has been arrested and as such he may be permitted to withdraw his petition.

3. Permission accorded.

4. The petitioner no.1 is apprehending arrest in connection with Purnea Complaint Case No. 1634 of 2022 instituted under under Section 420 and 120B of the Indian Penal



Code.

5. As per the prosecution story, on 14.05.1992, the complainant along with his real brothers, namely, Md. Mozzam, Md. Azam and Md. Mokarram, jointly purchased land located in Purnea, Mauja Dogachhi, Thana No. 250, Khata No. 79, Khosra 533, Rakwa 06 decimal 03 Kadi land from vendor Bibi Hasiba Khatoon, valued at Rs. 2,000/- (two thousand) by the registered deed after making full payment.

6. Further, they were living on the said land by building houses and the land also stands mutated in her name of the complainant and his brothers. Complainant's own land and house is situated adjacent to the land described above.

7. On 28.02.2021, when the complainant and his brothers were repairing the thatched hut on the said land, petitioner no. 1 Bibi Hasiba Khatoon came with her associates and stopped repairing of the thatched house stating that the deed stands cancelled.

8. The complainant visited the office of District Sub-Registrar to find out the truth, it came to knowledge that the registered 'Kewala' which was executed by petitioner no. 1 in his favour and his brothers was canceled on 30.07.1992 by taking the help of staffs and officers of the said office without



any information.

9. Accordingly, title Suit No. 25/2021 was filed by the complainant and his brothers on 19.03.2021 against Bibi Hasiba Khatoon in the court of learned Sadar Munsif, Purnea. During the proceedings of the same case, it was found that on 30.05.2021, the land described above has also been sold by Bibi Hasiba Khatoon to her cousin Md. Shakil (Petitioner no. 2) by registered 'Kewala' which shows that under a criminal conspiracy, petitioner no. 1 first sold the land mentioned in the registered deed dated 14.05.1992 to Md. Shakil (petitioner no. 2) on 30.06.1992 and the registered deed done on 14.05.1992 in favour of the complainant and his brothers was later canceled on 30.07.1992 without any prior notice.

10. In this manner, accused persons committed the crime by forgery, cheating, altering the property of the complainant and his brothers.

11. Taking into account the fact that the Title Suit is pending in the matter, the petitioner no.1, Bibi Hasiba Khatoon is a lady, an aged woman of 65 years, she do not have criminal antecedent and will have to face the trial, this Court is inclined to extend her the privilege of anticipatory bail.

12. Let the petitioner no.1 namely Bibi Hasiba



Khatoon be released on bail, in the event of her arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Purnea Complaint Case No. 1634 of 2022 to the satisfaction of learned J.M. 1st Class, Purnea subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioner no.1 who shall provide official document to show his/her bona fide;

(ii) the petitioner no.1 shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of her bail bond by the Trial Court itself;

(iii) the petitioner no.1 shall co-operate in the investigation and make herself available to the police as and when required;

(iv) the petitioner no.1 shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;



(v) the petitioner no.1 shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of her bail bonds.

(Rajiv Roy, J)

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