

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60899 of 2023

Arising Out of PS. Case No.-1041 Year-2016 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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1. Md. Muneim Haider @ Md. Munim Haider @ Md. Munim @ Mohammad Muneim Haider Son Of Late Md. Salahuddin @ Late Sahabuddin Resident Of Village- Choundi, Ps- Barsoi, Distt- Katihar,
 2. Akim @ Akifuzzama Son Of Late Md. Salahuddin @ Late Sahabuddin Resident Of Village- Choundi, Ps- Barsoi, Distt- Katihar,
 3. Pappu @ Md. Kamil Karrar Son Of Late Md. Salahuddin @ Late Sahabuddin Resident Of Village- Choundi, Ps- Barsoi, Distt- Katihar,
 4. Taza @ Md. Murtaz Haider Son Of Late Md. Salahuddin @ Late Sahabuddin Resident Of Village- Choundi, Ps- Barsoi, Distt- Katihar,

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Bhajiya Devi Wife Of Late Budhwa Choudhary @ Budhan Choudhary @ Budhu Choudhary Opp. No. 2 Is Legal Heir Of Complainant Namely Late Budhwa Choudhary @ Budhan Choudhary @ Budhu Choudhary Is Resident Of Village Is Sari Bari Choundi, Ps- Barsoi, Dist- Katihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Qumrul Hoda, Advocate
For the Opposite Party/s : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 11-10-2023 Heard learned counsel for the petitioners and the learned
Additional Public Prosecutor (for brevity 'APP') for the State.

2. The petitioners are apprehending their arrest in connection with Complaint Case No. 1041/2016 registered for the offence punishable under Sections 147, 148, 149, 323, 384, 420, 120B, 452/34 of the Indian Penal Code (for brevity 'IPC') and Section 27 of the Arms Act.

3. The complaint petition alleges that the petitioners have,



for the purpose of coercing the complainant to execute a sale deed for 0.21 decimals of land have indiscriminately assaulted the complainant and his family members and have also threatened the life and property of the complainant.

4. Learned counsel for the petitioners submits that the complainant had received money for 0.33 decimal of lands and had executed deeds with respect to 0.12 decimals only. He was avoiding execution of sale deed with respect to the remaining amount. The petitioners were repeatedly requesting him. The fact that the complaint instead of a First Information Report (for brevity 'F.I.R.') has been lodged itself, is indicative of the falsity of the allegations.

5. In fact, the petitioners were not knowing about lodging of the complaint case in the year 2016. Petitioners, therefore, had moved the civil court by filing Title Suit No. 09 of 2019, seeking relief for execution of sale deed with respect to the remaining 0.12 decimals land. To overcome the civil liability, it is submitted that criminal complaint has been lodged by the complainant. The same is not accompanied by any details of injury. Petitioners are all members of the same family and have no criminal antecedents. Recently, the petitioners came to learn about issuance of non-bailable warrant, whereafter they



inquired and came to know about the present complaint case, whereafter they have moved the Court of Sessions Judge, Katihar for grant of anticipatory bail, which has been rejected vide order dated 05-04-2023.

6. Learned APP for the State has opposed the prayer for anticipatory bail. It is submitted that the complaint discloses specific allegations against the petitioners.

7. Having regard to the submissions advanced by the petitioners' counsel, nature of allegations levelled in the complaint petition and clean antecedents of the petitioners, this Court is inclined to allow petitioners' prayer for grant of anticipatory bail.

8. 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 bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Katihar, District-Katihar, in connection with Complaint Case No. 1041/2016, subject to the following conditions:

(i) That one of the bailors of each of the petitioners will be a close relative of the petitioners who will give an affidavit giving



genealogy as to how he is related with the petitioners concerned. The bailors 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 bonds will be liable to be cancelled.

(Madhuresh Prasad, J)

Raj kishore/-

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