

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59614 of 2023

Arising Out of PS. Case No.-830 Year-2021 Thana- KATIHAR COMPLAINT CASE
District- Katihar

-
1. Tizarat Hussain @ Tezarat Husain S/O Kazi Haziruddin @ Kaji Hajiruddin Resident Of Village- Birnagar, Police Station- Balrampur, Distt.- Katihar.
 2. Sadia Khatoon @ Sadiya Khatoon @ Sadiya W/O Tizarat Hussain @ Tezarat Husain (WRONGLY Described As Daughter Of Tizarat Hussain In Complaint Case No. 830/2021). Resident Of Village- Birnagar, Police Station- Balrampur, Distt.- Katihar.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Kazi Haziruddin S/O Kaji Mofijur Rahman R/O Village- Birnagar, P.O- Mahisal, P.S- Balrampur, Distt.- Katihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Najeeb Ahmad, Advocate

For the Opposite Party/s : Mr.Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-10-2023 Heard Mr. Najeeb Ahmad, learned counsel for the petitioners, Md. Mumtaz, learned counsel for the informant and Mr. Raj Kishor Singh who represents the State.

2. The petitioners are apprehending arrest in connection with Complaint Case No. 830 of 2021 instituted under under Sections 341, 323, 452, 380, 406, 420, 467, 468, 471, 120B, 504, 506/34 of the Indian Penal Code.

3. As per the complaint petition, the case of the complaint is as follows:

(i) that on 20.07.2021 at 4 p.m., the complainant



found a forged and fabricated Agreement containing his name and assertion that he has agreed to sell out 1.96 Acre of land in Mauza - Birnagar and Sadipur bearing Plot No. 364, 365, 366, 372, 158, 363, 116 and 118 under Khata No. 35, 79, 39, 36 and 42 stand in the name of his wife and him in favour of accused no. 1 and the same document was prepared in non-judicial stamp paper dated 12.05.2014 and it was written on 13.05.2014 duly witnesses by accused no. 3, 4, 5 and 6;

(ii) that the complainant neither purchased such a paper of agreement nor did he or his wife put their signature of thumb impression upon it neither did the petitioner has knowledge about it;

(iii) that all the accused under conspiracy got this forged and false paper prepared only to grab the landed property of the complainant as mentioned above;

(iv) that whenever the complainant tried to raise his voice against the high handedness of the accused (no. 1 and 2 the complainant and his



wife were badly beaten by them duly supported by other accused as accused Sadia Khatoon is the false name of one Raj Kumari who was brought from Mumbai by accused no. 1 and both of them are in a habit to extort and commit crimes by showing there access to the criminals and anti-social elements of the locality;

(v) that since last a few years the accused no. 1 and 2 on several dates and times illegally trespassed into the brick built house of the complainant and stealthily took away the valuable ornaments, food grains all valued about 10,00,000/- (Rs. Ten Lakh);

(vi) that the accused no. 1 has also destroyed the house of the complainant;

(vii) that the complainant on 14.06.2021 made a complaint in writing to the S.P., I.G., S.D.O., D.G.P. against accused no. 1 and 2 and during enquiry by the concern C.O. in his 'Janta Darbar' at Balrampur police station on 24.07.2021, the complainant was informed by the C.O. about the misappropriation and impersonation and



creation breach of the trust of the accused no. 1 with the help of accused no. 2 duly conspired by other accused;

(viii) That the C.O., Balrampur has directed to file case against the accused for justice through proper channel;

(ix) that the complainant and his wife have not sold or made an agreement of the land stated in the enclosed false non-judicial stamp paper dated 12.5.2014.

4. Learned counsel for the petitioners submit that the complainant at petitioner no.1 are father and son respectively, there is bank transaction to show that the payments made, Title Suit pending and it is the case of civil nature and only because he took recourse to inter-caste marriage, the father infuriated, has implicated them.

5. Learned counsel for the informant on the other hand submit that a bare perusal of the complaint would show that forged document has been created, the father was regularly beaten by the petitioners and further the alleged agreement to sale was never executed by him.

6. Though, the learned counsel for the petitioners has



tried to make out a case, so far as the petitioner no.1, son of the complainant is concerned, considering the allegation that has come against him, it would be appropriate that he take recourse to bail as this Court is not inclined to extend him the privilege of anticipatory bail which is accordingly rejected.

7. So far as the petitioner no.2 Sadia Khatoon @ Sadiya Khatoon @ Sadiya is concerned, considering the fact that she is the lady, the main allegation is against the husband and she is ready to abide by all the terms and conditions, this Court is inclined to extend her the privilege of anticipatory bail.

8. Let the petitioner no. 2 namely Sadia Khatoon @ Sadiya Khatoon @ Sadiya 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 Complaint Case No. 830 of 2021 to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Katihar 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.2 who shall provide official document to show



his/her bona fide;

(ii) the petitioner no.2 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.2 shall co-operate in the investigation and make herself available to the police as and when required;

(iv) the petitioner no.2 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.2 shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

9. The anticipatory bail of petitioner no.2 is allowed while that of petitioner no.1 rejected.

(Rajiv Roy, J)

Ravi/-

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

