

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75216 of 2023

Arising Out of PS. Case No.-2289 Year-2022 Thana- PURNIA COMPLAINT CASE District-
Purnia

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1. MD. SHOUKAT ALI @ SHOUKAT ALI, SON OF AYUB ALI RESIDENT OF BAGHWA TOLA, WARD NO. 8, PS- BARHARA KOTHI, DIST- PURNEA
 2. MD. IRSAD, SON OF ALI HASAN RESIDENT OF BAGHWA TOLA, WARD NO. 8, PS- BARHARA KOTHI, DIST- PURNEA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Md. Kasim Sah Son of Hamid Sah R/o ward no. 8, Panchayat Nipaniya, Badhwatol, Nipaniya, P.S. - Barhara Kothi, Distt. - Purnea

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh
For the Opposite Party/s : Mr.Sanjay Kumar Sharma

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 29-11-2023 Heard learned counsels for the parties.

2. The petitioners apprehends their arrest in a case registered for the offence punishable under Sections 420, 147, 148, 323, 379, 307 and 504 of the Indian Penal Code.

3. As per the prosecution case, the complainant went to the Registry Office to register some part of his land in his son's name where these petitioners had also gone as witnesses. It is alleged that these petitioners took the complainant's thumb impression on the second stamp paper and assured him that they would open the old age pension scheme for him. It is alleged



that the Petitioner No. 1 is present ward member of Nipania Panchayat and in connivance of Petitioner No. 2, made a forged agreement and grabbed the complainant's land. It is further alleged that Petitioner No. 2 bribed twenty thousand rupees to create a forged agreement in which complainant's thumb impression was taken as his signature. It is alleged that when the complainant came to know about this then he asked the petitioners why did they do so after which the petitioners assaulted the complainant and when he became unconscious, the petitioners forcibly entered into the complainant's house and took away a box along with ten thousand rupees cash in it as well as the original papers of the land and some other articles kept there. It is further alleged that Petitioner No. 1 threatened the complainant that he should sign on the agreement otherwise he will be killed.

4. It is submitted by learned counsel for the petitioners that the complaint case has been lodged after delay of two months from the alleged date of occurrence. Petitioner No. 1 is no where in the agreement in any capacity while Petitioner No. 2 has become an identifier of the sale deed executed by the complainant in favour of his son. It is further submitted that the complainant is in habit of filing false cases and earlier also the



complainant has lodged Barhara P.S. Case No. 346 of 2022 against the petitioners which after investigation was found to be false. Petitioners claim clean antecedent.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail.

6. Considering the aforesaid facts and circumstances, the prayer for anticipatory bail of the petitioners is allowed.

7. Accordingly, in the event of arrest/surrender within a period of six weeks from today, let the above named petitioners be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Purnea in connection with Complaint Case No. 2289 of 2022, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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