

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1757 of 2023

Arising Out of PS. Case No.-664 Year-2022 Thana- MUFFASIL District- West Champaran

1. ISHAK ANSARI @ ISHAQUE MIYA Son of Late Noor Mohammad Ansari @ Late Noormahammad Ansari Resident of Village- PipraPakadi, P.S.- Bettiah (Muffasil), District- West Champaran
2. ARIF ANSARI Son of Muslim Ansari Resident of Village- PipraPakadi, P.S.- Bettiah (Muffasil), District- West Champaran
3. NURAIN ANSARI Son of Israel Miyan Resident of Village- PipraPakadi, P.S.- Bettiah (Muffasil), District- West Champaran
4. SHAHNAWAJ ALAM Son of Late Wakil Miyan Resident of Village- PipraPakadi, P.S.- Bettiah (Muffasil), District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 16-05-2023 Heard the learned counsel for the petitioners and learned APP for the State.

This is an application for grant of anticipatory bail in connection with Bettiah (Mufassil) P.S. Case No.664 of 2022, registered for offences under Sections 420, 406, 307, 467, 468, 471, 504 and 506 of the IPC.

The allegation is regarding one co-accused person, namely, Muslim Ansari, having enticed the complainant, namely, Md. Neyaz into purchasing his land and for the said purpose, the



complainant had given a sum of Rs.1,71,000/-, by way of sale consideration to the said Muslim Ansari and others, however, it is alleged that subsequently, though the possession of the land in question was given to the complainant, but the registry of the sale-deed was not done. It is also alleged that the petitioner no.3 had, subsequently, started saying that he had purchased the said land from the co-accused person, namely, Muslim Ansari.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case. The learned counsel for the petitioners has further submitted that petitioners no.2 and 4 have a clean antecedent, however, the petitioners no.1 and 3 are accused in one another case in which they are on bail. It is also submitted that as far as the petitioners are concerned, they have no role to play in the present case, inasmuch as the land in question is alleged to be belonging to the co-accused person, namely, Muslim Ansari, who is



stated to have entered into a deal with the complainant and taken money from him, however, subsequently had not executed the sale-deed in favour of the complainant. Lastly, it is submitted that at best, the dispute in question can be stated to be a civil dispute for which the remedy lies before the competent civil Court having appropriate jurisdiction.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the petitioners are not having any role to play in the alleged incident and it is the co-accused Muslim Ansari, who had entered into a deal with the complainant/informant for the purposes of sale of his land and had taken a sum of Rs.1,71,000/- from the complainant/informant and refused to execute



the sale-deed in question, apart from the fact that the allegation levelled in the present case are purely in the nature of civil dispute, I deem it fit and appropriate to admit the petitioners to the privilege of anticipatory bail.

Accordingly, the above named petitioners are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below, within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Bettiah, West Champaran in connection with Bettiah (Mufassil) P.S. Case No.664 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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