

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8895 of 2024

Arising Out of PS. Case No.-199 Year-2023 Thana- AAJAM NAGAR District- Katihar

1. Md Azad @ Shekh Azad SON OF LATE SAHABUDDIN RESIDENT OF VILLAGE- GARHBAINA, PS- AZAMNAGAR, DIST- KATIHAR
2. PATHLI KHATOON @ PATHALI KHATOON WIFE OF MD. AZAD @ SHEKH AZAD RESIDENT OF VILLAGE- GARHBAINA, PS- AZAMNAGAR, DIST- KATIHAR
3. MD. NAYEEM SON OF MUNKHAB RESIDENT OF VILLAGE- GARHBAINA, PS- AZAMNAGAR, DIST- KATIHAR
4. AZMINA KHATOON WIFE OF MD. NAYEEM RESIDENT OF VILLAGE- GARHBAINA, PS- AZAMNAGAR, DIST- KATIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar, Advocate.
For the Opposite Party/s : Mr.Anita Kumari, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 22-02-2024 Heard Mr. Bimal Kumar, learned counsel appearing on behalf of the petitioners and Mrs. Anita Kumari, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Azamnagar P.S. Case No. 199 of 2023 registered for the offence punishable under Sections 341, 323, 420, 467, 468, 427, 504 and 506/34 of the Indian Penal Code.

3. As per the allegation made in the F.I.R., the petitioner no.1 has transferred certain land by way of registered sale deed in favour of his wife (petitioner no.2) and petitioner



nos. 3 and 4 who are daughter and son-in-law of the petitioner no.1 are said to have threatened the informant to implicate him in a false case.

4. Learned counsel appearing on behalf of the petitioners submits that the petitioner no.1 have two brothers and two sisters and as per the Muslim Law they have got their share divided. Petitioner no.1 out of love and affection had transferred 16 decimal of land appertaining to Khata No. 377, 207 and Khesra Nos. 954 and 958 respectively in favour of his wife (petitioner no.2) who has also been made accused in the F.I.R. Allegation against petitioner nos. 3 and 4 are that they have allegedly threatened to dispossess the informant from the land.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioners.

6. Having heard the rival submissions made on behalf of the parties as well as considering the nature of allegation made in the F.I.R. and specific statement made on behalf of the petitioner nos. 1 and 2 that the petitioner no.1 out of love and affection has transferred 16 decimal of land through a registered sale deed belonging to his own share, the dispute being civil in nature and considering that the allegation against the petitioner



nos. 3 and 4 are ornamental, the petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Azamnagar P.S. Case No. 199 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. The order will be subject to the condition that the petitioners no. 1 and 2 are directed to file their specific affidavit before the District Court in detail about the total land which belongs to their family falling in the share of their father namely Late Md. Sahabuddin. In case, it is found that the transaction has been made in favour of the petitioner no.2 by petitioner no.1 and his mother is not in accordance with the provision of Muslim Law, then the petitioner may proceed to resolve the dispute amicably between his brothers and the informant.

8. Petitioners are directed to be released on pre-arrest bail after receiving the undertaking as has been recorded in the present order. In case of failure, this order will automatically lose its force.

9. The court below is directed to verify the criminal



antecedent of the petitioners and if it is found that the petitioners are involved in some other cases as what has been stated in Para-3 of the bail petition, this order will automatically lose its force.

10. The bail application stands disposed of.

(Purnendu Singh, J)

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