

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6015 of 2024

Arising Out of PS. Case No.-628 Year-2023 Thana- GANDHIMAIDAN District- Patna

Md. Shamsher Ali S/o Md. Sanullah Ansari R/o Sector A, Sadalpur Akhara,
New Azimabad Colony, P.S-Bahadurpur, Distt.-Patna

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Mussarat Jahan D/o Syed Hasan R/o Road no.1C, White House Compound
Gaya, P.S-Rampur, Distt.-Gaya 823001

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 21394 of 2024

Arising Out of PS. Case No.-628 Year-2023 Thana- GANDHIMAIDAN District- Patna

Md. Shahid Khan S/o Md. Sabir Khan R/o Vill - Mohammadpur, Shekhpatti,
Post - Pindaruch, P.S. - Kamtaul, Dist. - Darbhanga

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Mussarat Jahan D/o Syed Hasan R/o Road No. 1C, White House Compound
Gaya, P.S. - Rampur, Dist. - Gaya - 823001

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 6015 of 2024)
For the Petitioner/s : Mr. Sahil Kumar
For the Opposite Party/s : Mr. Ram Naresh Ray
(In CRIMINAL MISCELLANEOUS No. 21394 of 2024)
For the Petitioner/s : Mr. Sahil Kumar
For the Opposite Party/s : Mr. Satyendra Narayan Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

7 30-08-2024 **CRIMINAL MISCELLANEOUS No. 6015 of 2024**

1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and the learned counsel appearing on behalf
of the informant.



2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 419, 420, 467, 468, 471 and 120(B) of the Indian Penal Code.

3. In compliance of the order dated, 29.07.2024, the Investigating Officer of the case is present in the Court.

4. The Investigating Officer of the case submits that during the course of investigation, it transpired that the land belongs to the informant and her family, but then the same was sold by someone impersonating the father of the informant and the petitioner purchased the said land from an impersonator.

5. The Investigating Officer of the case fairly submits that there is no involvement of the petitioner in the occurrence as per investigation which has been carried out till date, but then submits that the land in question belongs to the informant and her father.

6. The Investigating Officer further submits that based on a complaint of the informant, the District Magistrate, Patna got the matter inquired and based on the direction of the District Magistrate, Patna, the Registrar executed a cancellation deed unilaterally.

7. Learned counsel appearing on behalf of the petitioner submits that the cancellation deed has not been



challenged by the petitioner. It is further submitted that petitioner after realizing his mistake is not claiming his title over the land in question as the sale deed was executed by a fictitious person. It is also submitted that petitioner will recover the amount which he had paid to the persons who got the sale deed executed in his favour by impersonating the father of the informant.

8. The learned counsel appearing on behalf of the O.P., No. 2 submits that since the petitioner has taken a stand that he will not lay claim over the land in question, as such he is not opposing the anticipatory bail application.

9. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Gandhi Maidan P.S. Case No. 628 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

10. The personal appearance of the Investigating



Officer of the case is dispensed with.

11. Accordingly, the instant anticipatory bail application stands allowed.

CRIMINAL MISCELLANEOUS No. 21394 of 2024

1. Heard learned counsel for the petitioner, learned A.P.P. for the State and the learned counsel appearing on behalf of the informant.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 419, 420, 467, 468, 471 and 120(B) of the Indian Penal Code.

3. In compliance of the order dated, 29.07.2024, the Investigating Officer of the case is present in the Court.

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7. Learned counsel appearing on behalf of the petitioner submits that the cancellation deed has not been challenged by the petitioner. It is further submitted that petitioner after realizing his mistake is not claiming his title over the land in question as the sale deed was executed by a fictitious person. It is also submitted that petitioner will recover the amount which he had paid to the persons who got the sale deed executed in his favour by impersonating the father of the informant.

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(Satyavrat Verma, J)

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