

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25414 of 2024**

Arising Out of PS. Case No.-938 Year-2023 Thana- GOPALGANJ TOWN District-
Gopalganj

Sagir Ahmad SON OF - Asgar Ali RESIDENT OF VILLAGE-
BAHORATOLA, PS- MANJHAGARH, DIST- GOPALGANJ,

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Adarsh Ranjan, Adv.
For the Opposite Party/s : Mr.Murli Dhar, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 10-04-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in
connection with Gopalganj nagar P.S. Case No. 938 of 2023
dated 24.11.2023 registered for the offence/s punishable u/ss
420, 406, 409 and 467 of the Indian Penal Code.

3. As per the prosecution case, the co-accused Shiv
Kumar Sah took Rs. 9,80,000/- as loan from the Allahabad Bank
after mortgaging his land to the said bank and his loan account
turned into NPA account due to non-payment of the said Loan
EMI. The co-accused sold the said land to the petitioner without
information and permission to the concerned bank but the said
bank also sold the said mortgaged land to one Lagandeo Kumar



to realize the loan amount through online auction.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is the bona-fide purchaser of the said land and he has no knowledge about the mortgage of the land which was mortgaged by the co-accused Shiv Kumar Sah who took loan from the Bank. When the petitioner came to know that the bank created third party after selling the land in auction, he approached before competent civil court and file title suite no. 1029 of 2023. No offence u/ss 420 and 409 is made out against the petitioner. The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Gopalganj in connection with Gopalganj Nagar P.S. Case No. 938 of 2023, subject to conditions as laid down under section 438(2) of the



Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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