

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33953 of 2024

Arising Out of PS. Case No.-53 Year-2023 Thana- Amdabad District- Katihar

Md. Mustakim S/o Late Mahfuj @ Sk. Mahfuj R/o vill - Paharpur, ward no. 8,
P.S. - Amdabad, Distt. - Katihar.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rajendra Prasad Sah, Advocate

For the Opposite Party/s : Mr.Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 3 13-06-2024 1. Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.
2. The petitioner seeks bail in connection with Amdabad P.S. Case No.53 of 2023 registered for the offence under Sections 420, 431, 467, 468 of the Indian Penal Code.
3. The petitioner named in the F.I.R. and is in custody since 16.12.2023.
4. The allegation against the petitioner is to purchase/encroach the government land, which was already acquired by government after following the due



process of law, and for the same, compensation was already received by the original land owner.

5. Learned counsel appearing on behalf of the petitioner submitted that the petitioner constructed his house over land in issue in year 2013 itself, where, out of certain confusion, the present implication was made. It is submitted that however, the nature of the litigation is civil in nature, where the lodging of present criminal case is unfounded. It is further submitted that petitioner being purchaser, himself is the victim of circumstance. It is also submitted that the land in issue after purchasing was mutated in favour of petitioner. While concluding the argument, it is submitted that petitioner found involved in one more criminal case, where he is on bail and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. Considering the facts and circumstances as



mentioned above and by taking note of nature of accusation which is *prima facie* appears civil dispute in nature, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 16.12.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Amdabad P.S Case No. 53 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st, Katihar/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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