

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28432 of 2024

Arising Out of PS. Case No.-101 Year-2023 Thana- PURNIA COMPLAINT CASE District-
Purnia

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1. Bibi Zubeda Khatoon @ Bibi Jubeda @ Jubeda Khatoon Wife of Late Md. Safruddin Resident of Shani Mandir, Gulabbagh, Ward No. 37, P.S. Sadar, District- Purnea
 2. Md. Dilshad @ Md. Dilshad Alam Son of Late Md. Safruddin Resident of Shani Mandir, Gulabbagh, Ward No. 37, P.S. Sadar, District- Purnea

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Md. Wakil Son of Late Md. Ishak Resident of Shani Mandir, Gulabbagh, Ward No. 37, P.S.- Sadar District- Purnea

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md Fazle Karim, Adv.

For the Opposite Party/s : Mr. Umanath Mishra, APP

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

ORAL ORDER

2 20-05-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a case in connection with Complaint Case No. 101 of 2023 dated 28.03.2023 registered for the offences punishable u/ss 323 and 420 of the Indian Penal Code.

3. As per the prosecution case, the petitioner no. 1 came to the house of the Complainant and made an agreement of land bearing mouza Abdulla Nagar Khata No. 41, Khesra No. 435 and area 6 decimals equal to the three Khatas and the



Complainant paid all consideration money to the petitioner no. 1 and the petitioner gave possession to the Complainant. It is further alleged that the complainant is in possession of land for 22 years. The Complainant said to the petitioner for written sale deed at registry office, Purnea but the petitioners deny to execute the sale deed to the Complainant. It is further alleged that on 06.01.2023, the petitioners and his associates came to the house of the Complainant and assaulted the Complainant with lathi and danda and threatened the Complainant to vacate the house.

4. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. There is land dispute between the parties. It is further submitted that it is apparent from the complaint petition that the agreement was prepared in the year 2019 but in para 3 of the complaint, he has stated that he is in possession over the land since 22 years which creates doubt upon the prosecution case. Learned counsel has further submitted that it is a case of civil dispute. Learned counsel has further submitted that the petitioners had no intention to cheat the informant and they have no concern with the alleged offence. The petitioners have no criminal antecedent as stated in para 3 of the bail petition.



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

6. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation against the petitioners, let the above named petitioners, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned Court concerned, Purnea in connection with Complaint Case No. 101 of 2023, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

7. This application stands allowed.

(Chandra Prakash Singh, J)

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