

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33221 of 2024

Arising Out of PS. Case No.-698 Year-2022 Thana- COMPLAINT CASE District-
Kishanganj

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Naziruddin Son of Late Samsuddin Resident of Desiyatoli, Khokhobasti, P.S.
- Bahadurganj, District - Kishanganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Hajrat Ali Son of Md. Mannan Ali Resident of Village - Belbari (Tinpaniya),
P.S. - Bahadurganj, District - Kishanganj

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kumar, Advocate.

For the State : Mr. Upendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 23-05-2024 Heard Ld. counsel for the petitioner and

Ld. APP for the State.

2. The petitioner apprehends his arrest in connection
with Complaint Case No. 698 of 2022 dated 15.10.2022,
registered for the offences punishable under Section 420 of the
Indian Penal Code.

3. The allegation against the Petitioner is of selling of
land fraudulently to the Complainant and others.

4. Learned counsel for the petitioner submits that
the petitioner is innocent and has falsely been implicated in this
case. He further submits that as per the complaint, the sale of
land by the Petitioner to Md. Nazir and Md. Amin has been



made subsequent to sell of land to the Complainant, because as per the Complaint, the land was sold to the Complainant on 3.5.2014 by sale deed No. 4107 whereas the land was sold to Abdul Hakim on 9.9.2014 by sale deed No. 5792. Hence, no offence is committed by the Petitioner against the Complainant. If any offence may have been committed, that has been committed against the subsequent purchaser. So, no offence is made out as per the alleged facts and circumstances. He also submits that the alleged facts and circumstances constitutes only a dispute of civil nature.

5. It has also been stated in paragraph no.3 of the bail petition that the petitioner has criminal antecedent of one case in which he is on bail.

6. It is also stated in paragraph no. 2 of the petition that petitioner has never moved before this Hon'ble Court for grant of Anticipatory Bail or Regular Bail.

7. However, Ld. APP for the State vehemently opposes the prayer of the petitioner for anticipatory bail.

8. Considering the aforesaid facts and circumstances of the case, this application is allowed, directing the petitioner above named, to be enlarged on bail in the event of his arrest or surrender before Ld. trial court within a period of eight weeks



from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Judicial Magistrate, 1st Class, Kishanganj, in connection with Complaint Case No. 698 of 2022, subject to the conditions as laid down under Section 438(2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of Ld. trial court that the petitioner has any criminal antecedent, Ld. trial court shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of Ld. trial court that statement regarding previous bail petition is wrong, Ld. trial court shall cancel the bail bond of the petitioner.

(Jitendra Kumar, J)

S.Ali/Shailendra

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