

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35906 of 2024

Arising Out of PS. Case No.-46 Year-2024 Thana- DAGARUA District- Purnia

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1. Md. Ahmed SON OF Md. Zubair r/o village - Dariyapur, P.S. - Dagarua, Dist. - Purnea
 2. MD. MOJIBUR RAHMAN SON OF IMLUDDIN @ IMAZUDDIN r/o village - EKAUHUWA, P.S. - Dagarua, Dist. - Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Helal Ahmad, Advocate

For the Opposite Party/s : Mr. Shyam Bihari Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 24-06-2024 1. Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel appearing on behalf of the informant.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 467, 468, 471, 420, 406, 419 and 120(B)/34 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and have been falsely implicated in the instant case by the informant. It is further submitted that a purely civil dispute has been given a criminal colour. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that in sum and substance, the allegation alleged against the petitioners is that they were the witness on a sale deed which was executed by



the informant in favour of Anarul.

4. Learned counsel for the petitioners submits that what is not in dispute rather stands admitted is that sale deed has been executed by the informant, whether the sale deed is forged or fabricated or has been obtained by fraud is a matter of investigation but then petitioners being the witness on the sale deed cannot be alleged that they were instrumental in hatching the conspiracy in getting the informant executed the sale deed in favour of Anarul. It is further submitted that informant in the FIR alleges that one Md. Samir along with Anarul had approached him for purchasing his land and he had an agreement for sale with Md. Samir with respect to 2 decimals 100 Burgkaris of land of Mauza Akahua as detailed in the FIR for an amount of Rs.50,000/-. Further, the informant received an amount of Rs.50,000/- on 08.01.2024 from Md. Samir and the date of execution of the sale deed was fixed as 13.01.2024 and on the said date the sale deed was executed in favour of Md. Samir but later the informant came to know from one Hakim that he has purchased land from Anarul which was sold to him by the informant vide sale deed no. 850 dated 13.01.2024. It was then that the informant realized that he was duped as he never received any amount of money from Anarul nor he ever



intended to sell his land to him as the agreement for sale with respect to the land in question was with respect to Md. Samir and the sale deed executed in favour of Anarul is with respect to 2 acres 56 decimals.

5. Learned counsel for the petitioners submits that petitioners are neither related to Md. Samir or to Anarul rather are independent person and are merely the witness on the sale deed and thus were not aware whether any agreement to sell the land with Anarul was entered in between the informant and Anarul. It is further submitted that informant has filed Title Suit No. 17 of 2024 in the Court of learned Sub-Judge, Baisi, Purnea wherein the petitioners alongwith others have been impleaded as defendants. The said title suit has been filed for getting the sale deed no. 850 dated 13.01.2024 cancelled.

6. Learned A.P.P. for the State and learned counsel appearing on behalf of the informant opposed the prayer for anticipatory bail of the petitioners. Learned counsel on behalf of the informant submits that despite there being no agreement in between the informant and Anarul, the sale deed no. 850 dated 13.01.2024 came to be executed which amply demonstrates that Anarul in connivance with Md. Samir and the petitioners and others got the sale deed executed fraudulently. It is next



submitted that in the sale deed no. 850 dated 13.01.2024, the amount recorded in lieu of purchase of the land is Rs.55 lakhs but then the informant did not receive a single penny.

7. The said submission of the learned counsel appearing on behalf of the informant is rebutted by the learned counsel appearing on behalf of the petitioners and it is submitted that it is for Anarul to explain the said fact.

8. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Dagarua P.S. Case No. 46 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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