

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36705 of 2023

Arising Out of PS. Case No.-1105 Year-2021 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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1. ROSHAN ALAM @ MD. ROSHAN AND OTHERS S/O LATE SK. SAMSUDDIN R/O Vill. Naya Tola, Gopalpur, PS. Amdabad, Dist. Katihar
 2. ABU REHAN KHAN @ ABU RAIHAN KHAN S/O JAVED KHAN R/O Vill. Dilawarpur, PS. Amdabad, Dist. Katihar

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Badri Narayan Verma S/O Late Ram Kishan Prasad Verma R/O Vill. Gopalpur, PS. Amdabad, Dist. Katihar, presently residing at Mohalla Rahul Chakravarti Gali Hardy Road, Katihar, PS. and Dist. Katihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha, Advocate
For the Opposite Party/s : Mr. Binod Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 09-01-2024 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

3. The petitioners are apprehending their arrest in connection with C.A. No. 1105 of 2021 registered for the offences punishable u/ss 406 and 420 of the Indian Penal Code.



4. As per the prosecution case, the complainant purchased the land appertaining to Plot No. 471, measuring an area of 1.82 acre under Khata No. 1809 and Plot No. 408, measuring an area of 22 decimals under Khata No. 656 of Mauza-Amdabad, Katihar, as mentioned in Sale deed No. 20522 dated 31.10.1966 from Bibi Bhavudan and Bibi Amna and he has been in peaceful possession of the said land and is also paying rent to the State of Bihar. It is further alleged that the co-accused persons Manoj Kumar Verma, Sagir, Sk. Najabul, Binod Kumar Verma, Ravi Kumar Verma and Javed Khan sold the land to the petitioner no.1, Roshan Alam, the petitioner no.2, Abu Rehan Khan and the co-accused, Santosh Kumar Verma vide registered Sale Deed No. 10865 dated 30.09.2020 by showing his father(complainant).

5. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. It is further submitted that a Partition Suit is also pending in this matter vide Title Partition Suit No. 54 of 2022 as annexed to the Annexure of the bail application. The co-accused has already granted anticipatory bail by the



Coordinate Bench of this court vide order dated 02.08.2023 passed in Cr. Misc. No. 36996 of 2023. The petitioner no.1 has one criminal antecedent whereas petitioner no.2 has no criminal antecedent as stated in para 3 of the bail petition.

6. Learned A.P.P. for the State has vehemently opposed the prayer of anticipatory bail of the petitioners.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory 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, Katihar in connection with C.A. No. 1105 of 2021, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

8. This application stands allowed.

(Chandra Prakash Singh, J)

Nilmani/-

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