

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41416 of 2024

Arising Out of PS. Case No.-2879 Year-2022 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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1. Md. Sarfuddin Son of Late Md. Rezaullah
 2. Navil Ahmad Son of Late Md. Rezaullah
Both are Resident of Village- Kalyanpur, P.S.- Kalyanpur, Dist.- East Champaran

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. Abdul Kayum Ansari Son of Late Kamruddin Miyan Resident of Village- Kalyanpur, P.S.- Kalyanpur, Dist.- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pravin Kumar, Advocate
For the Opposite Party/s : Mr.Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-07-2024 1. Heard learned counsel for the petitioners as well as
learned APP for the State.

2. The petitioners seek bail in anticipation of their
arrest in a case registered for the offences punishable under
Section 420 of the IPC in connection with Complaint Case No.
2879 of 2022.

3. The learned counsel for the petitioners submit that
petitioners are persons with clean antecedent and have been
falsely implicated in the instant case by the complainant.

4. It is next submitted that complainant alleges that he
had purchased 3 Kattha 14 Dhur of land from the petitioners on



17.10.2005 and 19.12.2005 respectively and started agricultural work on the land with after coming in peaceful possession of the same. It is next alleged that on 25.07.2022 Laleshwar Tiwary came and obstructed the agricultural work of the complainant and said that the land belongs to him and when the villagers tried to pacify the matter, but then no compromise was arrived at and Laleshwar Tiwary snatched Rs.5400/- from pocket of the complainant.

5. The learned counsel submits that from perusal of the allegation as alleged in the FIR, it would manifest that in sum and substance the complainant alleges that he had purchased the land in question from the petitioners in the year 2005 and thereafter he was carrying out with his agricultural work and was in peaceful of the same, but in 2022 one Laleshwar Tiwary came and obstructed the agricultural work claiming that the land belongs to him. It is further submitted that the land belongs to the petitioner and they had sold the land to the complainant and thus there was no complaint from the side of the complainant in these 17 years as he was in peaceful possession of the land in dispute.

6. In the nature of allegation as alleged in the complaint, the Court does not find it to be a fit case to issue



notice upon the O.P. No.2.

7. The learned APP opposes the anticipatory bail application.

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, are directed to be released on anticipatory bail on their furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Ist Class, Motihari in connection with Complaint Case No. 2879 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

9. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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