

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40555 of 2024

Arising Out of PS. Case No.-830 Year-2021 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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Tizarat Hussain @ Tejarat Hussain @ Tejarat Husain Kazi Haziruddin @ Kaji
Hajiruddin @ Qaji Haziruddin Resident of Village- Birnagar, P.S- Balrampur,
Dist- Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kazi Haziruddin @ Kaji Hajiruddin @ Qaji Haziruddin Son of Kaji Mofijur
Rahmani Resident of Village- Birnagar, P.O- Mahisal, P.S- Balrampur, Dist-
Katihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Najeeb Ahmad, Advocate
For the Opposite Party/s : Mr.Yogendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 25-10-2024 Heard learned counsel for the petitioner, State and
the informant.

2. The petitioner is in judicial custody in connection
with Complaint Case No. 830 of 2021 for the offence
punishable under Sections 341, 323, 452, 380, 406, 420, 467,
468, 471, 120B, 504, 506/34 of the Indian Penal Code filed by
the complainant, Kazi Haziruddin.

3. As per the complaint, the case of the complainant
is as follows:

*(i) that on 20.07.2021 at 4 p.m., the
complainant found a forged and*



fabricated Agreement containing his name and assertion that he has agreed to sell out 1.96 Acre of land in Mauza - Birnagar and Sadipur bearing Plot No 364, 365, 366, 372, 158, 363, 116 and 118 under Khata No. 35, 79, 39, 36 and 42 stand in the name of his wife and him in favour of accused no. 1 and the same document was prepared in non-judicial stamp paper dated 12.05.2014 and it was written on 13.05.2014 duly witnesses by accused no 3, 4,5 and 6;

(ii) that the complainant neither purchased such a paper of agreement nor did he or his wife put their signature or thumb impression upon it neither did the petitioner has knowledge about it;

(iii) that all the accused under conspiracy got this forged and false paper prepared only to grab the landed property of the complainant as mentioned above;



(iv) that whenever the complainant tried to raise his voice against the high handedness of the accused (no, 1 and 2 the complainant and his wife were badly beaten by them duly supported by other accused as accused Sadia Khatoon is the false name of one Raj Kumari who was brought from Mumbai by accused no, 1 and both of them are in a habit to extort and commit crimes by showing there access to the criminals and anti-social elements of the locality;

(v) that since last a few years the accused no 1 and 2 on several dates and times illegally trespassed into the brick built house of the complainant and stealthily took away the valuable ornaments, food grains all valued about 10,00,000/- (Rs Ten Lakh);

(vi) that the accused no. 1 has also destroyed the house of the complainant;



(vii) that the complainant on 14.06.2021 made a complaint in writing to the S.P., I.G., S.D.O., D.G.P. against accused no. 1 and 2 and during enquiry by the concerned C.O. in his 'Janta Darbar' at Balrampur police station on 24.07.2021, the complainant was informed by the C.O. about the misappropriation and impersonation and creation breach of the trust of the accused no. 1 with the help of accused no. 2 duly conspired by other accused;

(viii) that the C.O., Balrampur has directed to file case against the accused for justice through proper channel;

(ix) that the complainant and his wife have not sold or made an agreement of the land stated in the enclosed false non-judicial stamp paper dated 12.5.2014.



4. Learned counsel for the petitioner submits that admittedly, it is a civil dispute and a Title Suit is already pending but only to pressurize, the present case in which his wife was also implicated who was granted anticipatory bail in Cr. Misc. No. 59614 of 2023 while directing the petitioner to surrender and seek bail. Subsequently, abiding the order, he came into judicial custody and is in jail since 12.04.2024 (para-19 of the petition).

5. Learned counsel for the complainant on the other hand submits that despite he being the father, is being pressurized by the this petitioner making his life miserable and in between after relief was granted to the petitioner's wife, she lodged an FIR alleging attempt to rape on her father-in-law. It is unfortunate that to settle a civil dispute, both the parties are resorting to criminal cases involving the Police, the Civil Court as also the High Court.

6. However, without commenting further on the role they are playing in the family itself, in view of the fact that the petitioner has remained in custody since 12.04.2024, a Title Suit is already pending, this Court deems it fit and proper to it to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing



bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Katihar, in connection with Complaint Case No. 830 of 2021 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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