

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41560 of 2024

Arising Out of PS. Case No.-340 Year-2023 Thana- MADANPUR District- Aurangabad

1. Israil Ansari Son Of Md. Nasim Ansari Resident Of Village - Madanpur Tola (ISLAMPUR), P.S. - Madanpur, District - Aurangabad
2. Sabana Khatun Wife Of Israil Ansari Resident Of Village - Madanpur Tola (ISLAMPUR), P.S. - Madanpur, District - Aurangabad
3. Nasim Ansari Son Of Late Alimuddin Resident Of Village - Madanpur Tola (ISLAMPUR), P.S. - Madanpur, District - Aurangabad

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

7 10-09-2024

1. Heard learned counsel for the petitioners, learned APP for the State and learned counsel appearing on behalf of the informant.

2. The petitioners apprehend their arrest in connection with Madanpur P.S. Case No. 340 of 2023 registered for the offences punishable under Sections 341, 323, 420, 406, 468, 469, 504, 506 and 34 of the Indian Penal Code.

3. The learned counsel appearing on behalf of the petitioners after arguing vehemently for some time realizing his difficulty seeks permission to withdraw the anticipatory bail application with respect to petitioner no.1 namely, Israil Ansari.



4. Permission is accorded.

5. Accordingly, the present anticipatory bail application is dismissed as withdrawn with respect to petitioner no. 1 only.

6. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and the informant alleges that accused persons came at his shop and proposed to sale a land measuring three decimals for an amount Rs. 2,83,000/- accordingly, the land was sold on 25.05.2023 by a registered sale deed after receiving the consideration, further after purchasing the land the informant proposed for measuring the land on 01.06.2023 but accused persons abused and forced the informant to flee away.

7. The learned counsel appearing on behalf of the petitioners submits that the petitioners have been falsely implicated in the instant case by the informant being wife and father of Israil Ansari. It is also submitted that the land was sold by Kalim Ansari and Israil Ansari was a witness on the sale deed and as such the petitioners were no where involved in the sale of the land.

8. The learned counsel appearing on behalf of the informant opposes the anticipatory bail application and submits



that consideration was paid and thereafter registered sale deed was executed by Kalim Ansari with respect to the land as detailed in the FIR but then the informant till date has not been given the possession over the land because of interference of Israil Ansari. It is also submitted that Israil Ansari had instituted Complaint Case No. 790 of 2023 wherein he made a categorical allegation that Kalim Ansari is son of his brother-in-law (Bahnoi) Md. Kalamuddin and on pressure of the informant he made Kalim Ansari sale the land for a consideration of Rs. 2,82,000/- when the cost of the land was Rs. 12 lacs. It is further submitted that though the learned Magistrate finding the case to be false dismissed the complaint but then this facts stand admitted that Israil Ansari is 'mama' of Kalim Ansari and, as such, he and his family members are not allowing the informant to come on the land.

9. Learned A.P.P. for the State and learned counsel appearing on behalf of the informant oppose the prayer for anticipatory bail of the petitioners.

10. Considering the submissions made by the learned counsel for the petitioners, the petitioner nos. 2 and 3 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 trial court where the case is pending/successor court in connection with Madanpur P.S. Case No. 340 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

11. Accordingly, the instant anticipatory bail application stands allowed.

(Satyavrat Verma, J)

Prakash/-

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