

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44600 of 2024

Arising Out of PS. Case No.-904 Year-2023 Thana- COMPLAINT CASE District-
Kishanganj

1.

Nurul Hoda S/O Hakimuddin R/O Village- Rahmatpara, P.S- Kochadhaman, Distt.- Kishanganj.
2.

Muzaffar @ Mujafar Alam S/O Abu Mohammed R/O Village- Rahmatpara, P.S- Kochadhaman, Distt.- Kishanganj.
3.

Asgari Begum W/O Late Kurban Ali R/O Village- Rahmatpara, P.S- Kochadhaman, Distt.- Kishanganj.
4.

Julkar Nain S/O Late Kurban Ali R/O Village- Rahmatpara, P.S- Kochadhaman, Distt.- Kishanganj.

... .. Petitioner/s

Versus

1.

The State of Bihar
2.

Mehar Ali Rahbar S/O Late Tashneef Hussain R/O Village- Rahmatpara, P.S- Kochadhaman, Distt.- Kishanganj.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh, Adv.
For the Opposite Party/s : Mr. Abhay Kumar Roy, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2

24-07-2024

Heard learned counsel for the petitioners and learned
A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Complaint Case No. C 904 of 2023, registered for the alleged offences under Section 323, 420, 506 and 34 of the Indian Penal Code.

03. As per prosecution case, petitioner nos. 1 & 2 sold the land of the complainant to petitioner no. 3 & 4.

04. Learned counsel for the petitioners submits that it is

a case of civil dispute and this fact is apparent from the complaint petition itself. The complainant claims that the petitioner has no right or title over the said land and the said allegation is based on the fact that in the sale deed executed by the petitioner no. 1 & 2 it has been mentioned that one Musamat Hafizun Nisha died issueless whereas she was having four daughters. All those daughters have sworn affidavits wherein they have stated that the petitioner no. 1 got certain land being one of the heirs of their mother. The learned counsel further submits that in these circumstances no offences under Section 420 of the Indian Penal Code is made out against the petitioners and the remedy of the complainant lies in Civil Court. The learned counsel further submits that petitioners are having clean antecedent.

05. Learned A.P.P. for the State as well as learned counsel appearing on behalf of the complainant opposes the submission made on behalf of the learned counsel for the petitioners. Learned counsel for the complainant submits that petitioners sold and purchased the land of the complainant which the complainant purchased from *khatiyani raiyat* Fazalurahman.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the civil nature of dispute, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period

of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Court of J.M.-Ist Class, Kishanganj in connection with Complaint Case No. C 904 of 2023, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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