

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46400 of 2024

Arising Out of PS. Case No.-942 Year-2015 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

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1. Sabana Khan Wife of Md. Asimuddin @ Md. Ashmuddin Resident of Pathan Toli Aurangabad, Police Station - Aurangabad (T), District - Aurangabad (Bihar), At present residing at 24/1 Lock Gate Road, Police Station - Chitpur, District - Kolkata (West Bengal).
 2. Md. Asimuddin @ Md. Asmuddin Son of Late Md. Shafi @ Md. Shafi Saheb Resident of Pathan Toli Aurangabad, Police Station - Aurangabad (T), District - Aurangabad (Bihar), At present residing at 24/1 Lock Gate Road, Police Station - Chitpur, District - Kolkata (West Bengal).
 3. Md. Jamaluddin Son of Late Abdul Halim Resident of Kuraisi Mohalla, Aurangabad, Police Station - Aurangabad (T), District - Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Akbar Hussain Qurashi Son of Md. Habibulla Qurashi Resident of Pathan Toli, Qurashi Mohalla, Police Station - Aurangabad (T), District - Aurangabad (Bihar).

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Amarnath Singh
For the Opposite Party/s :	Mr. Chandra Sen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 07-08-2024 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Complaint Case No. 942 of 2015, disclosing offences under Sections 420, 406, 120B, 34 of the Indian Penal Code.
3. As per the complaint, the petitioner no. 1 sold a piece of land, details of which is mentioned in the complaint on



09.10.2012, in favour of the complainant by way of registered sale deed. It has been alleged that the land in question was already sold by sister of petitioner no. 2 namely Salma in favour of one Sanjeeda/co-accused in complaint on 20.01.2012.

4. Learned Counsel for the petitioners submits that the petitioners have not committed any offence in the manner alleged inasmuch as the land in question was purchased through valid sale deed by the father of petitioner no. 2 who in turn gifted the land in favour of petitioner no. 2 in 1986. After the gift, the land was mutated in the name of petitioner no. 2 and he started paying the land revenue and the rent receipts were being issued in his favour. Petitioner no. 2 gifted the said land in favour of petitioner no. 1, who is the wife of petitioner no. 2, in the year 2011. On the basis of the gift, name of petitioner no. 1 was mutated and the rent receipts were being issued in favour of petitioner no. 1. Petitioner no. 1 being the valid owner of land, sold the land in favour of the complainant namely Akbar Husain. After the purchase of the land in question, Akbar Husain got it mutated in his name started paying the rent and the land receipts were being issued in his favour. After three years from the date of sale of land by petitioner no. 1 to the complainant, sister of petitioner no. 2 namely Salma claimed that she has sold



the land in favour of Sanjeeda in January 2012 itself. A title suit in this regard is also pending bearing Title Suit No. 194 of 2015 filed by the complainant before the Court of Sub-Judge 1, Aurangabad.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the fact that title suit is pending between the parties, I am inclined to grant the petitioners privilege of anticipatory bail.

6. This application is, accordingly, allowed.

7. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate IV, Aurangabad, in connection with Complaint Case No. 942 of 2015, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

HarshPandey/-

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