

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52708 of 2024

Arising Out of PS. Case No.-251 Year-2023 Thana- SAMASTIPUR District- Samastipur

1. Bibi Kamar Sultana Wife of Aftab Ahmad @ Md. Aftab Alam R/o Village- Hasanpur Sarsauna, P.S.- N.H. Bangra, District- Samastipur
2. Aftab Ahmad @ Md. Aftab Alam Son of Abdul Mannan R/o Village- Hasanpur Sarsauna, P.S.- N.H. Bangra, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravi Ranjan, Advocate
For the State	:	Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 28-08-2024 Heard Mr. Ravi Ranjan, learned counsel for the petitioners and Mr. Mritunjay Kumar Nirala, learned APP for the State.

2. At the outset, learned counsel for the petitioners submits that Petitioner No. 2 has already been arrested, so, he seeks permission to withdraw the Criminal Miscellaneous Petition with regard to Petitioner No.2.

3. In view of the prayer made by learned counsel for the petitioners, the instant Criminal Miscellaneous Petition with regard to Petitioner No. 2 stands dismissed as withdrawn.

4. The Petitioner No. 1 apprehends her arrest in connection with Samastipur Town P.S. Case No. 251 of 2023 dated 25.09.2023 registered for the offences punishable under



Sections 420, 467, 468, 471, 34 and 120B of the Indian Penal Code.

5. Learned counsel appearing for the petitioners presses this petition only with regard to Petitioner No.1 and submits that as per FIR, the informant claimed that she had earlier purchased the land in question from one Hasin Fatma, wife of Afroj Ahmad, but the said Hasin Fatma or even Afroj Ahmad did not have any right or title in the said land as Afroj Ahmad had already sold his entire share in the land, so, the claim of the informant over the alleged plot is not legal. Learned counsel further submits that the informant has tried to make out a case of *bona fide* land dispute for which she has already filed a Title Suit No. 395/2023 in which the present petitioners have been made defendants. Learned counsel further submits that Petitioner No.1 is a lady having no criminal antecedent of similar type of offence relating to cheating and forgery.

6. Learned APP for the State has opposed the prayer for bail of the petitioner.

7. Having considered the aforesaid submissions and mainly the facts that as per the order impugned, a title Suit No. 395/2023 is running in between both the parties in respect of the land in question which shows a land dispute being pending in



between them and in view of the statements made by the petitioners in paragraph nos. 9 to 13 of the petition, a *bona fide* civil dispute appears in between both the parties and the petitioner No. 1 has not remained involved in similar type of offences relating to cheating and forgery, in my opinion, it is a fit case for anticipatory bail to the Petitioner No.1. Accordingly, let the **Petitioner No.1** named-above, in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Samastipur Town P.S. Case No. 251 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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