

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52419 of 2024

Arising Out of PS. Case No.-2421 Year-2023 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Kahkashan Reyad Kaiser Wife Of Sarfaraz Nawaz And Daughter Of Rizwan Ahmad Resident Of Mohalla - Haroon Nagar, House No.11, Road No. 1, Sector-11, P.S. - Phulwari Sharif, District - Patna
 2. Rizwan Ahmad Son Of Late Waizul Haque Resident Of Mohalla - Haroon Nagar, House No.11, Road No. 1, Sector-11, P.S. - Phulwari Sharif, District - Patna
 3. Farhat Jahan Wife Of Rizwan Ahmad Resident Of Mohalla - Haroon Nagar, House No.11, Road No. 1, Sector-11, P.S. - Phulwari Sharif, District - Patna
 4. Sabir Hussain @ Shabbir Hussain@Md.Sabir Son Of Late Bashir Ahmad Resident Of Dargah Road, Sultanganj, P.S. - Sultanganj, District - Patna

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Sarfaraz Nawaz Son Of Late Md. Sarfuddin Resident Of Mohalla - Alam Ganj, Rever View Colony Loharwa Ghat, P.S.- Alamganj, District- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K.Agrawal, Sr.Adv. Mr. Md Fazle Karim, Adv.
For the Opposite Party/s	:	Mrs.Madhuri Lata, APP Mr. Md. Fazal Rahman, Mr. Nawab Ahmad Mr./Ms. Mohanvi, Mr. Md. Ehsan ur Rahman, Mr. Nooreen Rahman, Advocates of O.P.-2

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 19-09-2024 Heard Mr. N.K.Agrawal, learned senior counsel appearing on behalf of petitioners, learned A.P.P. for the State and learned counsel appearing on behalf of opposite party no. 2.
2. The petitioner apprehends his arrest in a case registered for the offence under Sections 420, 467 and 468 of the Indian Penal Code.



3. The brief facts of the case is that complainant/O.P. No.2 solemnized marriage with petitioner no. 1 in the year 2011 and out of wedlock, one son and a daughter were born. It is further alleged that complainant inherited one *katha* land from *Alba Sahkari Grih Nirman Samiti Ltd.* through registered sale-deed, but the accused persons got prepared oral memorandum of *Hiba* in favour of complainant's son and daughter on 18.06.2019. Thereafter, it is alleged that complainant's father in Law, (petitioner no.2), mother-in-Law (petitioner no.3) got executed registered sale deed from their daughter (petitioner no. 1) on 18.01.21, in which, petitioner no. 4 is witness.

4. Learned senior counsel for the petitioners submits that from bare perusal of the complaint petition, it is apparent that the dispute is predominantly civil in nature and for the same set of dispute, a title suit has been filed by parents of petitioner no. 1 i.e. petitioner nos. 2 & 3, bearing T.S. No. 227 of 2021, which is pending in the Court of learned Sub-Judge X, Patna to declare the suit property and only after filing of aforesaid title suit, two complaint petitions have been filed by complainant for the same allegation i.e. Complaint Case No. 3508(C) of 2022 and present complaint case i.e. Complaint Case No. 2421(C) of 2023.



5. Learned A.P.P. for the State and learned counsel for opposite party no. 2 vehemently opposed the prayer for anticipatory bail.

6. Considering the nature of allegation and the fact that dispute is purely of civil nature, for which, title suit has already been filed in the Court below, the prayer for anticipatory bail of petitioners is allowed.

7. Accordingly, in the event of arrest/surrender before the Court below within a period of eight weeks from today, let the above named petitioners be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Patna in connection with Complaint Case No. 2421 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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