

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60454 of 2023

Arising Out of PS. Case No.-148 Year-2020 Thana- COMPLAINT CASE District-
Kishanganj

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1. MD. ISRAIL
 2. Suleman
 3. Budhu
 4. Jahangir Alam
All above are son of Sahabuddin.
 5. Sabera Khatton Wife of Ramjan Ali
 6. Sabila Khatoon Wife of Jamil Akhtar
All are R/o vill - Jharbari, P.S. - Pothiya, Distt. - Kishanganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Babul Son of Md. Nijamuddin R/o vill - Jharbari, P.S. - Pothiya, Distt. -
Kishanganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Sinha, Advocate
For the Opposite Party/s : Mr.Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 07-03-2024 Heard Mr.Diwakar Sinha, learned counsel for the

petitioners, learned counsel for the complainant and Mr.Bharat

Lal, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Complaint Case No.C148 of 2020 registered
for the offences punishable under Sections 323, 341, 406, 420,
504,120(B) of the Indian Penal Code.

3. As per allegation in the complaint case, the
petitioners have sold the land which had earlier been sold by



their ancestors despite knowing this fact, as such, they have misrepresented and committed the offence of cheating and criminal breach of trust with the complainant of this case.

4. Learned counsel for the petitioners submits that petitioner Nos.1,2,5 and 6 have clean antecedent and petitioner Nos.3 and 4 carry one more case other than the present one. They have falsely been implicated in the present case. The allegation as alleged in the complaint petition is false and fabricated and the petitioners have not committed any offence as alleged in the complaint petition. In fact the complainant with an open eye has accepted the sale deed which was registered in favour of the complainant and after sometime the present complaint petition has been filed alleging therein that the sale deed was executed for Khesra No.1144 in place of Khesra No.1204,1205 and 1207. Learned counsel for the petitioners submits that after the registered sale deed the complainant is in peaceful possession on the land in the question and he has filed the present complaint petition only to harass the petitioners and after receiving the consideration amount the petitioners have executed the sale deed in favour of the complainant.

5. Learned counsel for the complainant, on the other hand, has vehemently opposed the prayer for anticipatory bail



of the petitioners and submits that the petitioners have cheated the complainant but fairly submits that the complainant is in peaceful possession on the land in question.

6. Considering the aforesaid facts, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released 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 Chief Judicial Magistrate, Kishanganj in connection with Complaint Case No.C148 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(II) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall



verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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