

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67540 of 2023

Arising Out of PS. Case No.-974 Year-2018 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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1. Nizam Alam Son of Late Abdul Manan @ Manan
 2. Zarina Begam Wife of Nizam Alam

Both are R/o vill - Mewati Tola Sobhaganj, Sasaram, P.S. - Sasaram, Distt. -
Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sitara Begum Wife of Late Muzaffar Hussain R/o Mohalla - Bara
Sheikhpura, P.O. and P.s. - Sasaram, Distt. - Rohtas

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Prasad Singh, Advocate

For the Opposite Party/s : Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

- 5 14-03-2024 1. Heard learned counsel for the petitioners, learned
APP for the State along with learned counsel for the O.P. No.2.
2. The petitioners seek bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 467, 468 and 420 of the IPC.
3. The learned counsel for the petitioners submit that
a purely civil dispute has been given a criminal colour. It is next
submitted that petitioner no.1 is own step brother of the O.P.
No.2 and petitioner no.2 is his wife. It is also submitted that



there is a dispute relating to property in the family for which cases have been instituted in between the petitioner no.1 and the O.P. No.2. it is also submitted that an appeal was filed before the Deputy Director, Consolidation in the year 2016 against the order passed by the Consolidation Officer by the petitioner no.1.

4. It is next submitted that in the said appeal a compromise was entered in between the petitioner no.1 and the O.P. No.2 based on which the appeal was disposed of. It is submitted that O.P. No.2 being aggrieved by the said disposal of the appeal preferred a revision before the superior authority alleging therein that the O.P. No.2 never entered into any compromise with the petitioner no.1 and the document on which reliance was placed was forged and fabricated including the Vakalatnama, but the said revision application was also dismissed, thereafter the O.P. No.2 moved before the BLT, but prior to that a Title suit was also filed by petitioner no.1 in the year 2014 in the court of learned Sub-Judge, Ist, Sasaram, in which the O.P. No.2 is a defendant. It is thus submitted that when the matter travelled to the BLT the order of the appellate authority and the revisional authority was set aside on the ground that a title suit is pending adjudication and the issues can be raised therein. The learned counsel for the petitioners next



submits that the O.P. No.2 despite being aware at least during the course of proceedings before the BLT that a title suit is pending adjudication still she chose not to appear, as such the court had not option but to decree the suit exparte in favour of the petitioner.

5. It is thus submitted that the property as of date in terms of the exparte decree passed in the title suit is with the petitioner no.1 for which the O.P. No.2 has instituted the present case alleging that the same was obtained by the petitioner no.1 based on forged and fabricated compromise.

6. The learned APP along with learned counsel for the O.P. No.2 vehemently opposes the anticipatory bail application of the petitioners, but are not in a position to rebut the submissions of the learned counsel for the petitioners that the O.P. No.2 was aware of the pendency of the title suit, but still she chose not to appear and the title suit as of date has been decided in favour of the petitioner no.1.

7. Considering the submissions made by the learned counsel for the petitioners, the petitioner above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.10,000/- (Rupees



Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Sasaram in connection with Complaint Case No.974 of 2018, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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