

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75650 of 2024

Arising Out of PS. Case No.-194 Year-2024 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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1. Rabbul Alam S/o Md. Saiffudin R/o Balughat, P.S.- Barari, District- Katihar
 2. Md. Afzal Baig @ Afzal Baig S/o Late Md. Hussain R/o Balughat, P.S.- Barari, District- Katihar
 3. Rahmat Ali S/o Late Abdul Kalam R/o Balughat, P.S.- Barari, District- Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anwar Sadaf Son of Late Md. Hussain R/o Balughat, P.S.- Barari, District- Katihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajit Kumar Singh, Adv.
For the State	:	Mr. Rajendra Nath Jha, APP
For the Opposite Party	:	Mr. Sanjeev Kumar Singh, Adv. Ms. Neha Rani, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 11-11-2024 Heard Learned Counsel for the petitioners and

Learned APP for the State. Learned Counsel for the Opposite

Party No.2 appeared suo moto.

2. The petitioners are apprehending arrest in connection with Complaint Case No. 194 of 2024, lodged under Sections 323, 379, 120(B), 420, 467, 468 and 147 of the Indian Penal Code but subsequently, cognizance has been taken *vide* order dated 10.05.2024 under sections 420, 323, 504 of the



I.P.C. and the certified copy has been provided by the counsel for the petitioners today itself which is directed to be accepted and kept on record.

3. As per the complaint, Opposite Party No.2 has lodged complaint against five named accused persons in which, cognizance has been taken against all five accused persons. It has been alleged that on the basis of false *panchnama*, the accused persons have got the complainant's land mutated in their name.

4. Learned Counsel for the petitioners submits that petitioners are innocent and have committed no offence. Counsel submits that petitioner no.2 and complainant are full brothers and under wrong impression, the said land was mutated but subsequently, the correction has been made in the *jamabandi* which the counsel for the petitioners has annexed as Annexure-3 of the present bail application. Counsel further submits that the intention of the petitioners was not to make forgery, rather, it was a mistake. Counsel submits that from the contents of complaint, it become crystal clear that the dispute between the parties are civil in nature though, allegation of forgery and fabrication of documents are there, but the Trial Court has not taken cognizance under those provisions of law



and only added section 420 of the IPC.

5. Learned Counsel for the petitioners further submits that the criminal antecedent of the petitioners are clean and they are ready to fulfill all the conditions whatsoever shall be imposed upon them and today, the grievance of the complainant has already been ratified.

6. Learned APP for the State opposes the prayer for bail of the petitioners.

7. Learned Counsel for the Opposite Party No.2 on the other hand vehemently opposes the prayer for bail of the petitioners and submits that it is due to illegal action done by the petitioners, he has suffered a lot. He submits that it is true that case has been filed under the provisions of forgery but, cognizance has been taken under sections 420, 323, 504 of the I.P.C.

8. As such, considering the aforesaid facts and circumstances, let the above named petitioners be released on bail, in the event of arrest or surrender before the learned Court below within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate 1st, Katihar, in connection



with Complaint Case No. 194 of 2024, subject to the conditions
as laid down under Section 438(2) Cr.P.C.

(Dr. Anshuman, J)

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