

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75896 of 2023

Arising Out of PS. Case No.-372 Year-2023 Thana- DHAKA District- East Champaran

1. ROHUL HAQUE SON OF LATE MD. SHARIF R/O VILLAGE-CHANDAN BARA, P.S.- DHAKA, DIST.- EAST CHAMPARAN
2. RAZAUR RAHMAN SON OF HABIBUR RAHMAN R/O VILLAGE-CHANDAN BARA, P.S.- DHAKA, DIST.- EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Adv. Ms. Diksha Kumari
For the State	:	Mr. Ram Bilash Roy Raman, APP
For the Informant		Mr. Abhishek Kumar, Adv. Mr. Hemant Ray, Adv.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 22-01-2024 Heard learned counsel for the petitioners, learned

counsel for the informant and learned A.P.P. for the State.

2. The petitioners seek bail in connection with

Dhaka P.S. Case No. 372 of 2023 registered for the offences

punishable under Sections 341, 323, 504, 506, 467, 468,

471/34 of the Indian Penal Code.

3. As per prosecution case, petitioner no. 1 after

preparing forged and fabricated sale-deed got ancestral land

registered in the name of his wife and petitioner no. 2 made

signature on the said sale deed as an identifier.



4. Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR. He further submits that from perusal of the FIR itself it is clear that disputed land in question is the ancestral property on which dispute arose and proceeding under Section 144 Cr.P.C. initiated in the year 2019. He further submits that sale deed was executed in the year 2019 and the present case has been lodged in the year 2023 i.e. almost after four years and no plausible explanation has been given in the FIR regarding the said delay. He further submits that petitioner no. 1 is agnate of the informant and he has got valid right and share in ancestral property and the dispute in question is purely of civil nature which requires adjudication of share of right, title and ownership over the land in question. He further submits that the informant has not challenged the sale-deed in question before any competent court so that any proper relief may be given to the informant. In this way, the present case is nothing but to grab the opportunity to file a criminal case against the petitioners so that they may not



say anything about the ancestral property. In the light of said facts, no offence is made out against the petitioners, as alleged in the FIR. Moreover, petitioners are in custody since 31.08.2023. Petitioner no. 1 bears criminal antecedent of one case in which he is on bail. Petitioner no. 2 has clean antecedent. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

5. Learned counsel for the informant and learned A.P.P. for the State opposed the prayer for bail of the petitioners by submitting that land in question is disputed property and proceeding under Section 144 Cr.P.C. has already been initiated in the year 2019 but petitioners intentionally and knowingly after preparing forged and fabricated sale-deed got ancestral land registered in the name of wife of petitioner no. 1.

6. Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioners above named be



released on bail on furnishing bail bond of Rs. 10,000/-
(Rupees Ten Thousand) each with two sureties of the like
amount each to the satisfaction of learned S.D.J.M.,
Sikrahana in connection with Dhaka P.S. Case No. 372 of
2023, subject to following conditions:-

(i) One of the bailors shall be either father or
mother or sister or brother or wife or the person who has
sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will
remain present on all dates and absence for two consecutive
dates without appropriate permission, would be a ground for
cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

shahzad/-

U		T	
---	--	---	--

