

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80489 of 2024

Arising Out of PS. Case No.-149 Year-2023 Thana- COMPLAINT CASE District-
Kishanganj

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1. Md. Israil @ Md. Israyeel @ Md. Israyeel Ahmad S/O Md. Zahiruddin @ Zahiruddin R/O Village- Samesher, P.S- Bahadurganj, Distt.- Kishanganj.
 2. Md. Zahiruddin @ Zahiruddin S/O Late Hafizur Rahman R/O Village- Samesher, P.S- Bahadurganj, Distt.- Kishanganj.
 3. Bakilur Rahman @ Wakilur Rahman S/O Late Hafizur Rahman R/O Village- Samesher, P.S- Bahadurganj, Distt.- Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Aaqib Uddin S/O Late Hafiz Uddin R/O Village- Samesher, P.S- Bahadurganj, Distt.- Kishanganj, Presently residing at Village- Haribheetha, P.S- Dighal Bank, Distt.- Kishanganj.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.S.B.K. Manglam, Advocate
	:	Mr.Awnish Kumar, Advocate
For the Opposite Party/s	:	Mr.Shailendra Kumar, APP
For the Informant	:	Mr. Radharaman Singh, Advocate
	:	Mr.Ajay Kumar Tiwary, Advocate
	:	Mr. Prabhat Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 10-12-2024 1. Heard learned Counsel for the petitioners and learned APP for the State.
2. This application, for grant of anticipatory bail, arises out of Complaint case no. C 149/2023, in which cognizance has been taken under Sections 420, 467, 471, 384/34 of the Indian Penal Code.
3. The prosecution story, as per the allegation made in the complaint, is that the petitioners sold the land, belonging to



the complainant, in favour of co-accused by way of three registered sale deeds.

4. Learned Counsel for the petitioners submits that petitioners are the bonafide owners of the land in question being the son of Hafizur Rahman and grandsons of Panah Ali. The genealogical table of the petitioners' family has been issued by the Sarpanch of the Gram Kachahari, which is annexed as Annexure-P/2 to the present petition, which goes to show that late Panah Ali was having only one son namely Hafizur Rahman and one daughter namely Muffidan Nisha. Learned counsel further submits that allegation made in the complaint-cum-F.I.R. gives rise to a civil dispute but the same has been given the colour of criminal case.

5. On the other hand, learned counsel for the informant opposed the prayer for anticipatory bail and submits that the petitioners, deliberately, with intention to grab the land of the complainant, have sold complainant's property fraudulently in favour of the purchasers. He further submits that late Panah Ali had three sons and the petitioners are not the family members of Late Panah Ali.

5. Regard being had to the submissions made on behalf of the parties and taking into consideration the nature of



allegation and the fact that the present case arises out of civil dispute, I am inclined to grant the privilege of anticipatory bail to the petitioners.

6. This application is, accordingly, allowed.

7. Let petitioners, abovenamed, in the event of their arrest or surrender before the Court below within six weeks, 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. C 149/2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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