

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79806 of 2023

Arising Out of PS. Case No.-1393 Year-2023 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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1. Shamsul Hoda, Son of Late Mustafa @ Md. Mustafa, Resident of Telpur Ward No 10 P.S.- Lauriya District-West Champaran
 2. Motiur Rahman, Son of Late Habibur Rahman, Resident of Bagahi, P.S.- Lauriya, District- West Champaran
 3. Santosh Prasad, Son of Late Rabindra Prasad, Resident of Telpur, P.S. Lauriya, District- West Champaran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Syed Firoz Raza, Advocate
For the Opposite Party/s	:	Mr. Rajendra Nath Jha, APP
For the complainant	:	Mr. Bimlesh Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 07-03-2024 Heard learned counsel for the petitioners and

learned Additional Public Prosecutor for the State duly

assisted by learned counsel for the complainant.

2. The accused/petitioners are named in the

complaint and apprehending their arrest in connection

with Complaint Case No.1393(C) of 2023 in which

cognizance has been taken for the offences punishable

under Sections 445, 420, 323, 380, 504 and 506 read

with 34 of the Indian Penal Code.



3. Allegation against the petitioners is to cheat the informant and others by creating forged and fabricated document and, thus, by executing a sale deed in favour of his son-in-law, who is none else but son of the complainant.

4. It is submitted by learned counsel for the petitioners that petitioners have been falsely implicated with present case. It is further submitted that the father of the complainant, namely, late Haibat Ali was the maternal grand father of petitioner no.1 and as such, he was also one of the co-parcener of late Haibat Ali and in that capacity, he executed the sale deed to his son-in-law, who is son of the complainant. It is further submitted that rest of the petitioners are witness of the sale deed and they are not beneficiary out of alleged land transaction. While concluding argument, it is submitted that for the cancellation of sale deed, which has been executed by complainant and his brothers, a suit was brought by petitioner no.1, which is registered



as Title Suit No.70 of 2023 pending before Sub-Judge, Bagaha, West Champaran. Petitioners are men of clean antecedent.

5. Learned APP duly assisted by learned counsel for the complainant, while opposing the prayer of bail submitted that petitioner no.1 was the witness of partition deed regarding ancestral property between three brothers of the complainant and, as such, he was well aware about the status of property in issue and, as such, the claim of petitioners over disputed land is an afterthought just to support his son-in-law, who is son of the complainant.

6. Taking note of submissions as raised by learned counsel appearing for the complainant, learned counsel for the petitioners submitted that he denied any signature as a witness to the alleged partition deed as submitted by petitioner no.1 and he is ready to get it verified scientifically from any authority of complainant's choice.



7. In view of aforesaid factual submissions and by taking note of fact as the allegation is basically arises out of land dispute *qua* partition of ancestral property, where title suit is also pending between the parties, accordingly, all above-named petitioners, in the event of their arrest or surrender in the court below within a period of four weeks, are directed to 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 the learned Chief Judicial Magistrate, West Champaran, Bettiah in connection with Complaint Case No.1393(C) of 2023, subject to the conditions as laid down under Section 438(2) of the CrPC.

(Chandra Shekhar Jha, J.)

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