

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2041 of 2025

Arising Out of PS. Case No.-252 Year-2024 Thana- Sahayak Khajanchi District- Purnia

Wasim Ansari @ Md. Wasim Ansari S/O Late Fatkan Ansari R/O Village-
Kharaiya, P.S- Amour, Distt.- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Dr. Bidhu Ranjan, Advocate
For the Opposite Party/s :		Mr. Yogendra Kumar, APP
For the O.P. No.2	:	Mr. Pankaj Kr. Sinha, Advocate Mr. N. Hasan, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

6 13-08-2025 Heard Mr. N.K. Agrawal, learned Senior counsel

appearing on behalf of the petitioner, learned APP for the State

and learned counsel for the informant.

2. The petitioner apprehend his arrest in a case
registered for the offence punishable under Sections 316(2),
318(4), 308(2), 352, 351(2) and 3(5) of the B.N.S, 2023.

3. The Case of the prosecution is that the
informant has been cheated by the petitioner by selling the
disputed piece of land to him.

4. Learned Senior counsel for the petitioner submits at
the outset that the land was sold to the informant by way of
registered sale deed with all good intentions. On account of a
dispute between the brothers, a Title Suit no. 78 of 2011 was
filed which was decreed by way of *ex parte* order and the said
order was challenged in a miscellaneous case bearing Misc.



Case No. 01 of 2015 but subsequently, the said case was withdrawn. It has further been submitted, on the basis of these developments, that the petitioner did not have any intention to cheat the informant and on account of subsequent developments, he has been made an accused. The petitioner undertakes to co-operate in the case/trial.

5. Learned counsel for the informant, however, opposes the grant of anticipatory bail who submits that the informant has been cheated by the petitioner and the intention to cheat had been right from the inception as the petitioner was aware of the claim of his brother and it is for this reason, the petitioner subsequently withdrew the miscellaneous case filed by him against the *ex parte* decree granted in favour of his brother.

6. At this stage, petitioner is ready to pay an amount of Rs. 4,00,000/- in two equal installments within a period of four months which would include an amount of Rs.3,63,000/- which was the value of the land.

7. In such view of the matter, I am inclined to grant the privilege of provisional bail to the petitioner upon making a payment of Rs.2,00,000/- (Rupees Two Lakhs Only) as a first installment, a receipt of which would be shown at the time of



furnishing of the bail bonds. Thereafter, the rest of the amount would be paid within a total period of 4 months from the date of furnishing of the bail bonds. It goes without saying that after the entire payment of the amount of Rs.4,00,000/- is made by the petitioner within the stipulated period, the provisional bail granted to the petitioner would be confirmed by the learned court below, and not otherwise.

8. Considering the facts and circumstances of the case, let the above named petitioner in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on provisional bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Khajanchi (Sahayak) P.S. Case No.252 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C./482(2) of the B.N.S.S.

9. The application stands disposed of.

(Soni Shrivastava, J)

Harsh/-

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