

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2047 of 2025

Arising Out of PS. Case No.-234 Year-2024 Thana- COMPLAINT CASE District- Araria

1. Md. Sakir @ Shakir @ Sakir S/O Late Ayub Resident of village- Ward no. 14, Pathraha- Ghurna, Police station- Narpatganj, District- Araria
2. Md. Nasim @ Nasim S/O Late Ayub Resident of village- Ward no. 14, Pathraha- Ghurna, Police station- Narpatganj, District- Araria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rukhsana Khatoon W/O Mustaque Alam Resident of village- Pathraha- Ghurna, Police station- Narpatganj- Ghurna, District- Araria

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Adv
For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 05-02-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Complaint Case No. 234 of 2024 dated 07.02.2024 registered for the offences punishable under Sections 420, 406, 467, 468, 417, 120B, 323 and 506 read with Section 34 of the Indian Penal Code.

3. The main submissions advanced by petitioners' counsel are that, the instant matter is based on a complaint and as per the allegations an agreement was made by the petitioners and complainant for transferring a land measuring 60 decimals



by the petitioners in favour of the complainant but out of the agreed land only 26 decimals is said to have been transferred by the petitioners by executing two sale deeds bearing sale deed nos. 12741 of 2023 and 12751 of 2023 despite receiving the entire consideration amount of Rs. 20,00,000/- (Rs. Twenty lacs) by the petitioners from the complainant and the said allegation is completely false, as the sale deeds admittedly executed by the petitioners came in force on 17.10.2023 but the complaint was filed on 07.02.2024 after more than three months and further, the allegation levelled by the complainant mainly relates to civil wrong for which proper remedies are available to the complainant in civil court. It is further submitted that the petitioners have fair and clean antecedent and complainant has not taken any step to file a civil suit for redressal of his grievances relating to the transfer of remaining land.

4. Learned A.P.P. appearing for the State has opposed the prayer for bail of the petitioners.

5. Considering the aforesaid submissions advanced by petitioners' counsel and mainly taking into account the petitioners' fair and clean antecedent and the nature of allegation appearing against the petitioners, this Court is inclined to grant them the relief of anticipatory bail. Accordingly, let the



petitioners named-above, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Complaint Case No. 234 of 2024, subject to the conditions as laid down under Section 482(2) of the Bharitya Nagrik Suraksha Sanhita (B.N.S.S.)

6. Accordingly, the present application stands allowed.

(Shailendra Singh, J)

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