

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9115 of 2025

Arising Out of PS. Case No.-540 Year-2023 Thana- MASAUDHI District- Patna

=====

Sameer Haji Mohammad Latif @ Sameer Latif Merchant Son of Late Haji
Mohammad Latif @ Haji Mohammas village- Room No. 27, 3rd Floor,
Julekha Manzil, 198 Kumbekar Street, Police Station - Pydhonie, Post Office
- Mandvi, District - Mumbai, Maharastra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rashid Izhar, Advocate
For the Informant : Mr. Ashok Kumar, Advocate
For the Opposite Party/s : Mr. Ram Naresh Ray, APP

=====

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 22-03-2025 Heard Mr. Rashid Izhar, learned counsel for the petitioner,

Mr. Ashok Kumar, learned counsel for the informant and Mr.

Ram Naresh Ray, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Masaudhi P.S. Case No. 540 of 2023, registered for the
offences punishable under Sections 420, 467, 468, 471 and
120(B) of the Indian Penal Code which corresponds to Sections
318, 338, 336, 340 and 61 of BNS

3. The prosecution story in short is that the



informant Niaz A. A Sheikh, has stated that in the year 2016, one Sameer Latif Merchant and his wife came to the informant and said that they want to sell the first floor of Safia Heights Building situated in Mumbai, of which they are owner. On this, the informant decided to buy the said property for one crore rupees and in front of two friends gave one crore rupees to Sameer Latif Merchant and his wife and started a business of cloth on the floor of the said building. After a few days, Sameer Latif Merchant and his wife again came to him and said that give me Rs. 50 lacs more, then I will transfer 1st floor of the said building to you. The informant got suspicious and on investigation it was found that this building is not in the name of Sameer Latif Merchant and his wife and is in the name of a person from Gujarat. When the informant demanded papers of the land/building from Sameer Latif Merchant and his wife, then he showed a power of attorney paper whereas, no power of attorney was given to him by the owner of the property. The informant states that the petitioner obtained the order from the Munsif Court on the basis of wrong information in Title Suit No. 01/2016 and used it for crime. The said building is not of 6 floors but is of 4 floors. The informant also states that the said case was lodged by giving wrong information by Jalal Ansari in



Masaurhi Court in collusion with others.

4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. The entire story is false and fabricated. It is purely a civil dispute. The petitioner has not taken any money from the informant. In fact, the informant, to save his skin from criminal prosecution for illegally occupying and taking possession of the property of the petitioner has filed the present criminal case for which the petitioner subsequently filed Civil Suit No. 2843 of 2023 before the Bombay City Civil Court at Mumbai for evicting the illegal occupancy of the informant and other and as a counter blast the present FIR has been lodged. Besides the present FIR, the informant himself and his partner have lodged two criminal cases bearing Sir J.J. Marg P.S. Case No. 236 of 2024 and Colaba P.S Case No. 292 of 2024 against the petitioner at Bombay and in both the cases the petitioner has been enlarged on bail by the Court of Sessions and the Hon'ble Bombay High Court respectively. The informant has no proof of giving money to the petitioner. The informant is blackmailing the petitioner by filing the present case. The building mentioned in the suit is in Mumbai and the informant and the petitioner are also residents of Mumbai. Therefore, the Masaurhi Court has no



jurisdiction over it. There is no legal evidence against the petitioner. The petitioner has antecedent of two criminal cases which are also relating to the subject matter of property in the instant FIR and which were also filed by the present informant. In both the said cases the petitioner is on bail.

5. Learned APP for the State and learned counsel for the informant have vehemently opposed the prayer for bail of the Petitioner. They submit that the petitioner with dishonest intention declared himself to be the owner of the property mentioned in the suit and took one crore rupees in the name of selling it but did not provide any documents to prove such fact. The petitioner obtained the order from the Masaurhi Court by submitting wrong information and used it for cheating the informant in this case. In paragraphs 5, 6, 7, 8, 9 of the case diary, the informant and the witnesses have supported the prosecution story. Investigation of the case is going on.

6. Considering the fact that the petitioner has been made accused in two more cases relating to the subject matter of property in the instant FIR, of which one was filed by the present informant and another by his partner and in both the cases the petitioner is on bail as also the fact that the present case is borne out of a civil dispute with respect to a property



situated at Mumbai and there is no evidence to suggest that the informant has paid Rs. 1 crore to the petitioner as consideration amount for the said property, let the petitioner, above named, be released on anticipatory bail, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Masaudhi P.S. Case No. 540 of 2023 in connection with Chief Judicial Magistrate, Patna subject to the conditions as laid down under Section 438 (2) Cr.PC and on the following conditions:

- (i) One of the bailors of the petitioner shall be his close relative and the other shall be local resident.
- (ii) The petitioner shall remain physically present in Court on each date of the trial.
- (iii) In case of the petitioner's absence on any date for reasons not to the satisfaction of the learned Trial Court or in case the learned Trial Court is of the opinion that the trial is being delayed due to non-cooperation on part of the petitioner, the learned Trial Court may cancel the bail bond of the petitioner and



take him into custody till conclusion of the trial.

(Sourendra Pandey, J)

Prakash/-

U			
---	--	--	--

