

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.9671 of 2025**

Arising Out of PS. Case No.-558 Year-2024 Thana- SIWAN MUFFASIL District- Siwan

Shakil Ahmad Son of Sagir Ahmed Resident of Village - Kagji Mahola, P.O. -  
Siwan, P.S. - Nagar Thana Siwan, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                      |   |                                                                                                       |
|----------------------|---|-------------------------------------------------------------------------------------------------------|
| For the Petitioner/s | : | Mr. Prabhakar Singh, Advocate<br>Mr. Birottam Narayan Singh, Advocate<br>Mr. Pranav Bhaskar, Advocate |
| For the State        | : | Mr. Anuj Kumar Shrivastava, APP                                                                       |

**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR**  
**ORAL ORDER**

2      06-03-2025                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner seeks bail, apprehending his arrest,  
in connection with Siwan Muffasil P.S. Case No. 558 of 2024,  
dated 17.09.2024 registered for the offences punishable under  
Sections 338, 336(3), 340(2), 318(2), 318(4) and 3(5) of B.N.S.

3. As per allegation, some parcel of land has been  
purchased by the informant from the petitioner for monetary  
consideration by way of sale deed. However, the land could not  
be mutated by the concerned authority on account of the fact  
that the said land was subject matter of civil suit, pending in the  
competent Court.

4. Learned counsel for the petitioner submits that the



Petitioner is innocent and has falsely been implicated in this case. He further submits that no offence of forgery is made out, because sale deed is genuine, nor even the offence of cheating is made out, because the land belongs to him on account of the fact that the land was purchased by his father and after death of his father, he has title to the property. Hence, there is no cheating at all while selling the land to the informant. Though, there is a civil dispute going on, but suit has been filed by someone else falsely claiming title to the property.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has three criminal antecedents.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail submitting that in the agreement for sale, the petitioner has misrepresented to the informant saying that the land in question is not subject matter of any civil dispute, whereas the suit was going on in regard to the title of the property.

8. Considering the fact that as per the agreement for sale, the land in question has been inherited by the informant



from his father, who has got this land by way of purchase, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M, Siwan, in connection with Siwan Muffasil P.S. Case No. 558 of 2024, subject to the conditions as laid down under Section 438 (2) Cr.PC and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

**(Jitendra Kumar, J)**

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