

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22085 of 2025

Arising Out of PS. Case No.-40 Year-2024 Thana- DHAKA District- East Champaran

1. Bashir Alam @ Md. Bashir Alam Son of Kalimullah Resident of Village - Sapahi, P.S. - Dhaka, District - East Champaran, Motihari
2. Khabir Alam @ Md. Khabir Alam Son of Kalimullah Resident of Village - Sapahi, P.S. - Dhaka, District - East Champaran, Motihari
3. Abdullah @ Abdullah Son of Md. Seraj Resident of Village - Sapahi, P.S. - Dhaka, District - East Champaran, Motihari
4. Saalim @ Md. Saalim Son of Soheb Resident of Village - Sapahi, P.S. - Dhaka, District - East Champaran, Motihari

... .. Petitioner/s

Versus

1. The State of Bihar
2. Imteyaz Alam S/o- Late Samim Alam, R/o- vill- Sapahi, P.S. -Dhaka, Dist -East Champaran,

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate
For the Opposite Party/s : Mr. Ajay Kumar Singh, Advocate
For the State : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 23-07-2025 Heard Mr. Sharda Nand Mishra, learned counsel for the petitioners, Mr. Ajay Kumar Singh, learned counsel representing the informant and Mr. Brajendra Nath Pandey, learned APP for the State.

2. The petitioners are apprehending their arrest in



connection with Dhaka P.S. Case No.40 of 2024 for the offence under Sections 468, 471, 341, 323, 504/34 of the Indian Penal Code lodged on 27.01.2024 by the informant, Imtiyaz Alam.

3. As per the prosecution story, the informant, who is the own brother of petitioner Nos. 1 and 2, alleged that the land which under the family partition belonged to him, fraudulently the sale deed was executed and when he wanted to lodge the F.I.R., threatened of dire consequences. This led to the F.I.R.

4. Learned counsel for the petitioners submits that they are family members, the land was allotted to them, accordingly, the sale deed was executed and the further submission is that if the same is wrong/forged/fabricated, the natural recourse was for annulment/cancellation but no such step has been taken by the informant. If granted relief, they shall be diligently participating in the investigation and the Trial. The last submission is that they do not have criminal antecedent.

5. Learned counsel for the informant opposes the prayer and submits according to him, petitioner Nos. 1 and 2 are brothers and under family partition, which was allotted to him, fraudulently, they have got it executed in their own favor, while the sons are the witnesses to it.

6. Considering the submissions put forward by the parties as also the fact the point raised by the learned counsel for



the petitioners that the annulment process has not been initiated by the informant has to be taken into account, F.I.R. is there, they shall be facing the music and in that background, this Court is inclined to extend them the privilege of anticipatory bail.

7. Let the petitioners be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned court of S.D.J.M., Sikarana at Dhaka, East Champaran, in connection with Dhaka P.S. Case No.40 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with the following conditions:-

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;



(iv) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of bail bonds.

(Rajiv Roy, J)

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