

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35160 of 2025

Arising Out of PS. Case No.-855 Year-2023 Thana- COMPLAINT CASE District-
Kishanganj

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1. Akhtar Alam Son of Azimuddin Resident of Village - Purana Khagra Bilayatibari, P.S. - Kishanganj, District - Kishanganj
 2. Md. Firoz Alam @ Md. Firoz Son of Late Ekbal Ahmad @ Iqbal Resident of Village - Jiyapokhar, P.S. - Jiyapokhar, District - Kishanganj
 3. Mujaffar Alam @ Muzaffar Alam Son of Sagiruddin Resident of Village - Doria, P.S. - Jiyapokhar, District - Kishanganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Zafarul Kamar Son of Late Md. Usman Resident of Village - Purana Khagra, Dehri Ward No. 20, P.S. - Kishanganj, District - Kishanganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate
For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 20-08-2025 Heard learned counsel for the petitioners, learned

APP for the State, and learned counsel for Opposite Party No. 2,

who has appeared *suo motu* in the present case.

2. The petitioners are apprehending arrest in connection with Complaint Case No. 855 of 2023, dated 30.11.2023, lodged under Sections 420, 406, 323, 384, 467, 468, 504, 506 and 34 of the Indian Penal Code in which Cognizance has been taken under Sections 323, 341, 420, 504, 506 and 34 of the Indian Penal Code, pending before the Court of Judicial Magistrate, 1st Class, Kishanganj.



3. As per the prosecution, the complainant has filed a complaint case against eight accused persons, including the present petitioners. It has been alleged that the accused persons, in connivance with each other, sold the complainant's land without his knowledge, thereby committing forgery and fraud.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. He further submits that the present case arises out of a land dispute, and the police have submitted a report, annexed as Annexure-3, in which the SHO of the local police station has submitted findings in favour of the petitioners. He also submits that the petitioners have clean criminal antecedents.

5. Learned counsel for Opposite Party No. 2 vehemently opposes the prayer for bail and submits that the petitioners are the main conspirators. It is submitted that petitioner no. 2 is the seller, who sold the land by incorrectly showing his father's name, and petitioner nos. 1 and 3 are the purchasers. He further submits that all the petitioners, in connivance with each other, have committed forgery.

6. Learned APP for the State also opposes the prayer for bail of the petitioners.

7. In the present facts and circumstances, this Court is



not inclined to grant anticipatory bail to the petitioners. Accordingly, the prayer for anticipatory bail of the petitioners is hereby rejected.

8. It is directed to the petitioners to surrender before the Trial Court within a period of 6 weeks from today. In case, the petitioners surrender within six weeks, then the Trial Court is directed to pass order on their surrender-cum-bail applications on the same day without being prejudice that the anticipatory bail of the petitioners has been rejected by this Court and the Trial Court shall pass order on the merit of this case.

(Dr. Anshuman, J.)

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