

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25700 of 2025

Arising Out of PS. Case No.-314 Year-2024 Thana- KESARIA District- East Champaran

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1. Khurshid Alam S/O Md. Yakub Resident of Village- Kandwa, P.S- Kesariya, District- East Champaran, Motihari.
 2. Md. Kasim S/O Md. Idrish Resident of Village- Kandwa, P.S- Kesariya, District- East Champaran, Motihari.
 3. Tarik Ali Khan @ Tarik Alam S/O Dilshad Ali Khan Resident of Chandwara, Bindeshwari Compound, P.S- Kazimohammadpur, District- Muzaffarpur.
 4. Dilshad Ali Khan @ Dilshad Ali S/O Late Abdul Hamid Khan Resident of Chandwara, Bindeshwari Compound, P.S- Kazimohammadpur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Karandeep Kumar

For the Opposite Party/s : Mr.Ram Anurag Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 14-07-2025 Heard learned counsel for the petitioners and the State .

2. Petitioners apprehend their arrest in a case registered for the offence punishable under sections 318(4), 338 , 336 (3) , 340(2), 308 (4), 351 (2) and 352 of Bharatiya Nyaya Sanhita 2023 .

3. As per the prosecution case, it is alleged that F.I.R. named accused including these petitioners fraudulently sold the land of the informant which fell in the share of the informant after partition.

4. It is submitted on behalf of the petitioners that



petitioner No. 1 is purchaser and the petitioner No. 2 is witness to the sale-deed and the petitioner No. 3 is vendor. The petitioner No. 4 is father of the vendor (petitioner No. 3). The land appertaining to Khata No. 145 , Khesra No. 658 , 659, 1699, 1700 and Khata No. 93 Khesra No. 1818 and Khata No. 100, Khesra No. 2554 and Khata No. 231. Khesra No. 2579. 2576 situated at Mauza-Gochchi Kundwa, P.S. Kesariya, District- East Champaran was gifted by one Noor Hasan Khan through registered deed of gift in the name of Bibi Nashrin Khatoon in the year 1962 and thereafter she came in peaceful possession over the land and Jamabandi bearing Jamabandi No. 985 was created in her name in the Revenue Record and after death of Bibi Nashrin Khatoon, her son Tarique Ali Khan who is vendor of the petitioner came in possession over the land in question and sold out the part land of the aforesaid land through registered deed of sale in favour of the petitioner in the year 2024 having right, title and interest over the same and thereafter the petitioner came in peaceful possession over the purchased land. It is further submitted that the informant is the nephew of Bibi Nashrin Khatoon (son of the brother of Bibi Nashrin Khatoon), who is claiming his title on the basis of an alleged oral deed executed by Bibi Nashrin Khatoon in the year 1988 in



favor of the father of the informant and the informant got the said land in question through registered sale deed executed by his father in his favor as five sale deeds mentioned in the FIR itself, but as a matter of fact, the vendor of the petitioner is/was having peaceful possession over the land after the execution of the gift deed in favor of the mother of the vendor of the petitioner. Moreover, the dispute is purely civil in nature and as such no criminal offence is made out against this petitioners. Learned counsel for the petitioners lastly submits that co-accused Irshad Ahmad has already been granted bail by this Court vide order dated 20.03.2025 passed in Cr. Misc. No. 11421 of 2025.

5 . Learned counsel for the State opposed the bail petition .

6 Considering the fact that the dispute involved in this case is purely civil in nature and other circumstances of the case, in the event of arrest or surrender within eight weeks from today, let the petitioners, as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, East Champaran, Motihari in connection with Kesariya P.S. Case No. 314 of 2024, subject to



the conditions laid down 482(2) of the Bharatiya Nagarik
Suraksha Sanhita, 2023.

(Prabhat Kumar Singh, J)

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