

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26441 of 2025

Arising Out of PS. Case No.-202 Year-2024 Thana- MORKAHI District- Khagaria

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1. Md. Shakir Son of Late Zia Ul Haque Resident of village - Marar Dakshini, P.S.- Morkahi, District - Khagaria.
 2. Md. Muntazir Munna Son of Late Zia Ul Haque Resident of village - Marar Dakshini, P.S.- Morkahi, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ram Sumiran Rai, Advocate
For the State	:	Mr. Arun Kumar Pandey, APP
For the Informant	:	Mr. Raj Nandan Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 16-07-2025 Vide order dated 29.04.2025, the bail application with respect to petitioner no. 2, namely, Md. Muntazir Munna has been dismissed as withdrawn.

2. Heard Mr. Ram Sumiran Rai, learned counsel for the petitioner, Mr. Raj Nandan Prasad, learned counsel for the informant as well as Mr. Arun Kumar Pandey, learned Additional Public Prosecutor for the State.

3. The petitioner no. 1 is apprehending his arrest in connection with Morakhi P.S. Case No. 202 of 2024, F.I.R. dated 29.12.2024 for the offences punishable under Sections 126(2), 115(2), 316(2), 318(4), 338, 336(3), 340(2), 352, 3(5) of the BNSS, 2023.



4. According to prosecution case, all the accused persons have committed fraud by making wrong Khata Khesra on the document and also manipulated the purchase price of the land in question.

5. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. In fact, the petitioner has purchased the land in question through registered sale deed on 29.11.2024 after paying the consideration amount of Rs. 8,00,000/- (Rupees Eight Lakh). As per allegation in the FIR, the land in question does not belong to the seller and he has sold the land in question of the informant. He further submits that the petitioner has no knowledge about the land in question and he has paid the consideration amount and thereafter, the seller has executed the sale deed in favour of the petitioner.

6. The learned Additional Public Prosecutor and learned counsel for the informant have vehemently opposed the prayer for bail of the petitioner and submits that the petitioner knows that he has purchased the land in question which does not belong to the seller and apart from that, the petitioner carries



two criminal antecedent other than the present one.

7. Considering the aforesaid facts and circumstances, let the petitioner no. 1, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-1st, Khagaria in connection with Morakhi P.S. Case No. 202 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ 482 (2) of the BNSS, 2023 and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at



any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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