

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36181 of 2025

Arising Out of PS. Case No.-67 Year-2025 Thana- CHAKIA District- East Champaran

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Afzal Hussain @ Afjal Hussain son of Late Md. Habib @ Md. Habib Ansari
Village- Ramdiha, Ps- Chakiya, Dist- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Raj Kumar Singh son of Late Shivmangal Singh village- Gawandra tola
Ramdiha, Ps- Chakia, Dist- East champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suraj Kumar Tiwari, Advocate

For the Opposite Party/s : Mr. Ahmad Ali, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 23-07-2025 The matter has been listed under the heading ‘To Be
Mentioned’ for early hearing of petitioner’s bail application for
performing rituals of his elder brother who died on 21-07-2025.

2. Heard learned counsel for the petitioner and
learned APP for the State.

3. The petitioner seeks bail in connection with Chakia
P.S. Case No. 67 of 2025 instituted for the offence under
Sections 318(4), 338, 336(3), 340(2), 61(2), 352, 351(2) & 3(5)
of the Bharatiya Nyaya Sanhita, 2023.

4. The informant claimed ownership of a portion of
ancestral land and alleged that the petitioner conspired with
others to fraudulently purchase and transfer the land. He further



accused the petitioner of threatening him, demanding extortion money, and attempting to dispossess him.

5. It has been submitted on behalf of the petitioner that the petitioner is in custody since 10-04-2025. Petitioner bears no criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

6. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case solely because he is the son of Sabara Khatoon, who purchased 1 *katha* of land from co-accused Kunal Singh @ Kunal Kishore, the cousin of the informant. The dispute is purely civil in nature arising out of an alleged ownership claim over ancestral land, and the appropriate remedy lies in a civil court through a title suit. Petitioner counsel for the petitioner submits that no role, act, or overt participation of the petitioner in the execution of the sale deed has been alleged, nor is he a witness or identifier to it. It is next submitted that the petitioner neither committed any forgery nor conspired with anyone, and the filing of this FIR is a misuse of the criminal justice system to exert pressure, amounting to an abuse of process of law.

7. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.



8. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, manner of petitioner's implication and dispute being civil in nature, this Court is inclined to grant bail to the petitioner.

9. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Chakia P.S. Case No. 67 of 2025.

10. Interlocutory application/s, if any, shall stand disposed of.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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