

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46465 of 2025

Arising Out of PS. Case No.-165 Year-2023 Thana- BANKA District- Banka

Md. Nayab Alam Son of Mukhtar Alam Resident of House no-173/C, Chand Memorial, Hospital Complex, Patliputara colony, Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harshit Griyaghey

For the Opposite Party/s : Mr. Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 30-07-2025 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Banka Police Station Case No. 165 of 2023, dated 20.03.2023, disclosing offences under Sections 420/467/468/471/385/120(B) of the Indian Penal Code.
3. The prosecution case, as per the FIR-cum-written complaint, is that the seller, namely, Dr. Shahnaz Shaheen, executed a registered sale deed on 28.01.2023 in favour of the informant for Rs. 42 Lakhs with respect to land under Khata No. 64, Khesra No. 514 (Ga) measuring a total area of 6 decimals. Additionally, a lease deed for 25 years was also executed for Rs. One Lakh pertaining to Khata No. 64, Khesra No. 514(Kha) which was paid



via cheque, bearing no. 002277 of the ICICI Bank. It has further been alleged that when the informant started construction on the purchased land, he was stopped by the seller, Dr. Shahnaz Shaheen, who claimed the land did not match the boundaries specified in the deed. Thereafter, the informant approached the Janta Darbar, and upon mutual consent that the seller and the petitioner shall be present on the date of measurement as identifier/witness. In the presence of the informant and the petitioner, the land was measured on 27.02.2023. The Anchal Amin found that the land sold was wrongly identified i.e. Khesra No. 514(Ga) was mentioned instead of 514(Ka). Moreover, only 4.5 decimals existed under Khesra No. 514(Ga) instead of the promised 6 decimals and only 1 decimal existed under Khesra No. 514(Kha) which should have been Khesra No. 514(Ka). The informant alleges that this discrepancy amounted to fraud, leading to mental harassment. It has further been alleged that on 11.03.2023, the informant went again to Janta Darbar, where Dr. Shahnaz Shaheen (seller) and the petitioner threatened the informant and demanded Rs. 40 Lakh as extortion.



4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case due to discrepancy in sale deed and lease deed executed by the land owner/seller, namely, Dr. Shahnaz Shaheen. The petitioner is neither the executor nor the witness/identifier in the said sale deed/lease deed. He next submits that under the provision of law for rectification of sale deed/lease deed, dated 28.01.2023, the same has been rectified and executed on 22.05.2023, as would be evident from Annexure-3. He further submits that the land owner/seller, namely, Dr. Sahnaz Saheen, has been granted anticipatory bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 4335 of 2025.
5. Regards being had to the submissions made on behalf of the parties and taking into consideration the fact that the discrepancy in the sale deed/lease deed, dated 28.01.2023, has been rectified on 22.05.2023 and the land owner/seller has been granted anticipatory bail by a Co-ordinate Bench of this Court, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioner, above named, in the event of his arrest



or surrender before the Court below within four weeks, be released 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 learned Chief Judicial Magistrate, Banka, in connection with Banka Police Station Case No. 165 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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