

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49095 of 2025

Arising Out of PS. Case No.-1752 Year-2024 Thana- PHULWARISHARIF District- Patna

Alim Akhtar @ Md. Alim Akhtar son of Late Abdul Kayum village-
Karbigahia, Ps- Jakkanpur, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 50128 of 2025

Arising Out of PS. Case No.-1752 Year-2024 Thana- PHULWARISHARIF District- Patna

- 1. Sohrab Alam @ Sohrab @ Sohrao son of Md. Aftab Malik village-
Nayatola, Phulwarisharif, ps- Phulwarisharif, Dist- Patna
- 2. Md. Seraj Warsi @ Md. Seraj @ Three Fifteen son of Late Md. Subhan
Warsi village- Maulabag, ps- Phulwarisharif, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 49095 of 2025)
For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate
Mr. Uday Prasad, Advocate
Mr. Vineet Kumar, Advocate
For the Opposite Party/s : Mr.Shailendra Kumar
For the informant : Mr. Ajay Kumar Sinha, Sr. Adv.
Mr. Birendra Narayan Sharma, Advocate
(In CRIMINAL MISCELLANEOUS No. 50128 of 2025)
For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate
Mr.Uday Prasad, Advocate
For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 12-08-2025 1. Heard the parties.
- 2. Since both the aforesaid applications arise out of the same
F.I.R. as such both are taken up together and are being disposed



of by this common order.

3. The petitioners apprehend their arrest in connection with Phulwarisharif P.S. Case No. 1752 / 2024 dated 14.11.2024 registered under Sections 308(2), 329(3), 318(4), 352, 351(2), 351(3), 3(5) of the B.N.S. 2023.

4. As per the first information report lodged by the informant it has been stated that F.I.R. bearing Phulwarisharif P.S. Case No. 1481 of 2024 dated 01.10.2024 was lodged by the informant against the petitioners and other accused persons for threatening and pressurizing him to give up his rights upon a piece of land having plot no. 526. Both the parties presented their documents to the concerned authorities who advised the petitioners and others to refrain from visiting Khesra No. 526. It has further been alleged that the petitioners and others forcibly opened the informant's lock and replaced it with their lock on the premises and demanded a ransom of Rs. 50 Lakh.

5. Mr. Jitendra Kumar Bharti, learned counsel for the petitioners submits that petitioners have falsely been implicated in this case due to land dispute between the parties. Land dispute between the parties is going on for a very long time. The informant, who is a lawyer and his brother Dharmendra Narayan Sharma who is also a lawyer, taking advantage of their



profession are disturbing peaceful possession of the petitioners at their land which they got from their nanihal (maternal grandmother) for which Title Suit No. 501 / 2024, Title Suit No. 518 / 2024 and Title Suit No. 64 / 2025 have been filed along with injunction petition. Title Suits filed by the petitioners are pending in the court of Sub Judge -X & XIV, Patna in which informant and his brothers are defendant. The concerned plot no. 526 is subject matter of T.S. No. 64 of 2025. It has further been submitted by the petitioners that informant and his brother have falsely created illegal jamabandi bearing Jamabandi No. 1387 pertaining to land of Khata No. 331, 358, C.S. Plot No. 538, 537 and the land of Khata No. 350, 343, C.S. Plot No. 523 and 525 having a total area of 01 acre 77 decimal of land belonging to the petitioners for which cancellation Jamabandi Case No. 107 / 2024 and Jamabandi Cancellation Case No. 215 / 2024 have been filed by the petitioners in the court of Additional Collector, Patna against the father and grandmother of the informant. Another Jamabandi Cancellation Case for cancellation of Jamabandi No. 1387 has been filed against the brother of the informant Dharmendra Narayan Sharma. Altogether ten persons have been made accused in the present F.I.R. but there is no specific allegation against the petitioners



of demanding extortion amount. Earlier also, the informant lodged three cases against the petitioners out of which one Phulwarisharif P.S. Case No. 360 / 2025 has been lodged for snatching of chain of the informant. The allegation of demand of extortion and forcibly breaking the lock of the premises is false and concocted. Altogether three criminal cases have been lodged against the petitioners by the informant in order to pressurize them not to claim property which the petitioners are claiming as their property.

6. On the other hand, Mr. Ajay Kumar Sinha, learned senior counsel for the informant submits that learned Additional Sessions Judge-IV, Patna, taking into account the material on record has passed a detailed order rejecting the bail application of the petitioners. He further submits that petitioners are the members of land mafia and they are trying to grab the land of the informant. The land in question was purchased by grandfather of the informant by way of registered sale deed from the son of Dwarka Singh recorded as tenant in the same khatiyan on the basis of which the petitioners are claiming their title. Up-to-date rent receipts are being issued in favour of the informant and ancestors of the informant have also got compensation from I.O.C. which is a recognition of the land



belonging to them which is part of plot no. 526. He further submits that learned Additional Sessions Judge-IV, Patna has also taken note of the fact that petitioners entered into multiple agreement for sale of the land in question without having declaration regarding their title upon the same.

7. I have heard learned counsel for the parties and gone through the material on record including the impugned order. It appears that there is land dispute between both the parties. Petitioners are claiming their title upon the land through khatiyani. The informant side is claiming their title on the basis of purchase made from the same khatiyani in which name of the father of the vendor is recorded as a tenant. Title Suits have been filed by the petitioners for declaration of title and confirmation / recovery of possession. The copy of the plaint has been annexed as Annexure -2 Series.

8. Considering the aforesaid and the fact that long standing land dispute is there between the parties for which Title Suits have been filed by the petitioners adding the informant as defendant, as such, I am inclined to grant anticipatory bail to the petitioners.

9. Let the petitioners, above named, be released on anticipatory bail in the event of arrest or surrender before the



court below within a period of four weeks from today on
furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each
with two sureties of the like amount each to the satisfaction of
learned ACJM- IV, Patna in connection with Phulwarisharif P.S.
Case No. 1752 of 2024 subject to the condition as laid down
under Section 482 (2) of the B.N.S.S.

(Anil Kumar Sinha, J)

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