

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.47204 of 2025**

Arising Out of PS. Case No.-123 Year-2024 Thana- Chitragupta Nagar District- Khagaria

Md. Shakir S/o Jiyaul Haq R/o Village- Dakshini Marar, P.S.- Morkahi,  
District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Advocate  
For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

2      30-07-2025                      Heard learned counsel for the petitioner, learned  
APP for the State and learned counsel for the informant.

2. The petitioner is apprehending arrest in connection with Chitragupta Nagar P.S. Case No. 123 of 2024, dated 06.12.2024, lodged under Sections 318(4), 338, 336(3), 340(2), 61(2) and 3(5) of the Bhartiya Nyaya Sanhita, 2023 (hereinafter referred to as “BNS, 2023”).

3. As per the prosecution, FIR has been lodged against five named accused persons, including the present petitioner, with the allegation that the accused persons have fraudulently sold the land of the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He further



submits that the petitioner purchased the land from the sister of the informant, which the informant had obtained by virtue of Hibbanama from his father. Counsel further submits that a title suit is pending between the parties, in which the petitioner, the seller, as well as the present informant, are all parties to the sale deed.

5. Learned counsel for the informant vehemently opposes the prayer for bail and submits that there were two purchaser, one of the purchasers has been arrested and has moved an application for regular bail, which is pending before the court. On a previous occasion, the case diary was called for in that case, and parity should be maintained. Therefore, the anticipatory bail application of the present petitioner should also be rejected.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that, from the facts, it transpires that the same land is claimed by both the informant and his sister.

7. In the light of the submissions made above, it transpires to this Court that a Title Suit is pending in respect of the land in dispute, and the genesis of the case is due to the sale of the same land claimed by both the informant and his sister.



8. As such, in the present facts and circumstances of this case, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of Chief Judicial Magistrate, Khagaria, in connection with Chitragupta Nagar P.S. Case No. 123 of 2024, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

**(Dr. Anshuman, J.)**

Aman Kumar/-

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