

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58519 of 2024

Arising Out of PS. Case No.-1175 Year-2022 Thana- COMPLAINT CASE District- Araria

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Wasi Ahmad @ Vasi Ahmad Son of Late Sheikh Bakauddin Resident of
village - Rewahi, Ward No.- 06, Police Station - Narpatganj, District - Araria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Anil @ Anil S/o Late Sheikh Jainuddin R/o Rewahi, ward no. 09, P.S. -
Narpatganj, Distt. - Araria

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ravindra Nath Dubey, Advocate
For the Opposite Party/s	:	Mr. Md. Naushaduzzoh, Advocate
For the State	:	Mr. Ram Priya Sharan Singh

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 12-05-2025 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 323, 341,
420, 504/34 of the Indian Penal Code.

3. The prosecution case is based upon a complaint
filed by the O.P. No.2 wherein, there is an allegation that the
petitioner sold 0.15 decimals of a land of his share and 0.10
decimals of his sister's share to one Mir Tausif while the said
lands had already been sold by the father of the petitioner to the
complainant and his three brothers way back in the year 1992
and whereupon a house was also constructed. However, during
the course of mutation, the complainant came to know that the



petitioner had sold the portion of the land, as indicated in the complaint petition.

4. The learned counsel for the petitioner submits, at the outset, that out of the said Sections leveled in the complaint, cognizance has been taken under Section 420 read with section 34 of the IPC. It has further been submitted that the petitioner has sold the land of his own share and land has been mutated in favour of Mir Tausif and the rent receipts has also been issued. The petitioner does not have any knowledge of a plot of land having been registered to the complainant and his brothers in the year 1992. It is further submitted that the land which is the subject matter of sale by the petitioner is also under the possession of the petitioner. In any view of the matter, it has been submitted that the petitioner is the son of the vendee of the complainant and thus, he has a valid title and hence, selling his own share would not constitute any criminal offence against him.

5. The learned counsel for the O.P. No.2 however opposes the grant of anticipatory bail on the ground that the petitioner has fraudulently sold the land to one Mir Tausif and has also fraudulently got the mutation of the land in his name. The said mutation was challenged by the complaint before the



DCLR in Mutation Appeal No. 60/22-23. After hearing the parties, the DCLR *vide* order dated 27.07.2023 set aside the order passed by the Circle Officer in Mutation Case No.717R27/21-22 and this order has been brought on record by way of an Annexure-A to the counter-affidavit.

6. Taking into consideration the facts that civil remedies are being resorted to, even by the complainant, I am inclined to extend the privilege of anticipatory bail to the petitioner. 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) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria, in connection with Complaint Case No.1175 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure/Section 482 (2) of the B.N.S.S., 2023 and subject to the further condition that the petitioner shall co-operate in the investigation/trial.

(Soni Shrivastava, J)

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