

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51016 of 2025

Arising Out of PS. Case No.-307 Year-2025 Thana- PHULWARISHARIF District- Patna

Md. Sabri @ Najju Katib S/O Md. Izhar R/O Mohalla- Makhdum Hasti
Nagar, P.S- Phulwari Sharif, Dist.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ashok Sharma @ Ashok Kumar Sharma S/O Late Babulal Sharma R/O
Village- Hardiya, P.O- Jaypur, P.S- Mehandia, Distt.- Arwal.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Rajeev, Adv.

For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 11-08-2025 Heard Learned Counsel for the petitioner and
Learned APP for the State.

2. The present Criminal Miscellaneous Application has been filed under Section 482 of The Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as "BNSS, 2023") for grant of anticipatory bail to the petitioner who apprehends his arrest in connection with Phulwari Sharif P.S. Case No.307 of 2025, for the offences punishable under Sections 316(2), 338, 340, 318(4), 3(5) of the BNS, 2023.

3. As per the prosecution, FIR has been lodged against 9 named accused persons including the present petitioner against whom allegation of selling of land of the informant by committing fraud and interpolation.



4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The present FIR is the result of order dated 17.11.2022 passed in CWJC No.15635 of 2022 as after order passed by Hon'ble Court, the SHO, Phulwari Sharif has also lodged an FIR. The role of petitioner is as like that of Wasika navis (deed writer). Counsel also submits that prior to filing of the present FIR in which petitioner is seeking bail, the informant had earlier filed an FIR before Phulwari Sharif P.S. case No. 1426 of 2022 exactly with the same allegation as made in the present FIR.

5. Counsel further submits that in earlier case *i.e.*, Phulwari Sharif P.S. case No. 1426 of 2022, anticipatory bail has been granted to the petitioner vide order dated 18.05.2023 vide Cr. Misc. No.15515 of 2023 (annexure-3). He further submits that he is not entering into the merit of the case, but only submitting that the contents of present FIR and the content of earlier FIR. *i.e.*, Phulwari Sharif P.S. case No. 1426 of 2022 which is annexures-1 and 2, all allegations, all contents, all date, all land number and all deed number are identical and it is due to this reason, by virtue of filing a new case in compliance of order passed by this Hon'ble Court in CWJC No.15635 of 2022,



the petitioner has become again accused in the present FIR.
Therefore he seeks anticipatory bail.

6. Counsel submits that the criminal antecedent of the petitioner is not clean as there are two criminal cases pending against him in which he is on bail.

7. Learned APP for the State opposes the prayer for bail of the petitioner and submits that from bare perusal of Annexures 1 and 2 of the bail petition, it transpires that the fardbeyan and allegation in both FIRs are identical.

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 learned Court below 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 A.C.J.M.-IV, Patna in connection with Phulwari Sharif P.S. Case No.307 of 2025, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

(Dr. Anshuman, J.)

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