

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61140 of 2024

Arising Out of PS. Case No.-14 Year-2024 Thana- NADI District- Supaul

Mohammad Alauddin @ Md. Alauddin Son of Late Nur Mohammad Resident
of Village- Kataiya, Ward No. 8, P.S.- Nadi Thana, Dist.- Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar Patna
2. Babu Sahab Yadav Son of Rameshwar Yadav R/O Vill.- Barhara, Ward no.
01, Teola- Majhaura, P.S.- Nadi Thana, Dist.- Supaul.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Balkrishna Mishra
For the Opposite Party/s : Mr.Kumar Veerendra Narayan\
Mr. Bijay Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 22-01-2025 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and the learned counsel appearing on behalf
of the OP No. 2.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 420, 467,
468, 471, 341, 323, 384, 504, 120B of the Indian Penal Code.

3. Learned counsel for the petitioner submits that the
informant alleges that he along with his brother, Raushan
Kumar, purchased a piece of land measuring 2 bighas 10 kathas,
as detailed in the FIR, further the informant after purchasing the
land applied for mutation, on which petitioner raised an
objection on the ground that ownership of the land is with him



as his father and uncle had purchased the said land and jamabandi No. 419 was created. It is further alleged that on inquiry, it transpired that petitioner based on forged and fabricated document is basing his claim over the land, further on 19-11-2023 the petitioner stopped him and used abusive language and even slapped him.

4. Learned counsel for the petitioner submits that from perusal of allegation as alleged in the FIR, it would manifest the dispute is purely civil to which a criminal colour has been given. It is next submitted that the Jamabandi No. 419 was created in the name of the father of the petitioner based on a sale deed by which his father and uncle had purchased the land in question. It is further submitted that the Additional Collector by an *ex parte* order had cancelled the jamabandi and the petitioner was not aware that his jamabandi was cancelled, as such he will proceed against the order in accordance with law, but then it is submitted that petitioner also filed a Title Suit No. 421 of 2024 in the court of learned Sub-Judge-I, Supaul, in which the complainant is a defendant.

5. Learned counsel appearing on behalf of the OP No. 2 opposes the prayer for anticipatory bail of the petitioner, but then is not in a position to rebut the submission of the learned



counsel for the petitioner that the nature of allegation as alleged, it appears that the dispute is civil to which a criminal colour has been given and petitioner has filed a title suit in which the informant has been impleaded as defendant.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Nadi Thana P.S. Case No. 14 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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