

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59757 of 2025

Arising Out of PS. Case No.-148 Year-2024 Thana- SAHARSA COMPLAINT CASE
District- Saharsa

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1. Md. Sajjad S/o Late Md. Habib Uddin Resident of - N.A.C Road, P.S. and District- Khagaria
 2. Sahbaj Alam S/o Late Md. Habib Uddin Resident of - N.A.C Road, P.S. and District- Khagaria
 3. Tanbeer Alam S/o Late Md. Habib Uddin Resident of - N.A.C Road, P.S. and District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Ms. Deepika Sharma, Advocate
For the State	:	Mr. Chandra Bhushan Prasad, APP
For the Informant	:	Mr. Manoj Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 03-09-2025 Heard learned counsel appearing on behalf of the petitioners, learned APP appearing on behalf of the State and learned counsel appearing on behalf of the informant.

2. The petitioners apprehend their arrest in a complaint case registered for the offence punishable under Sections 406, 420, 467, 468, 471 and 120B of the Indian Penal Code.

3. As per prosecution case, it is alleged that after receiving Rs. 12,32,000/- as consideration money, these accused petitioners executed a sale deed vide Sale Deed No. 1694 dated 31.03.2021 in favour of the complainant for a land measuring



209.62 decimal and when the complainant went to take possession of the land, he came to know that description of the land mentioned in the sale deed was neither in possession of the accused petitioners nor in their ownership and they also refused to return the money and thus, these accused petitioners cheated the complainant.

4. It is submitted by learned counsel appearing on behalf of the petitioners that petitioners are quite innocent and have committed no offence. Petitioners have falsely been implicated in this false and concocted case due to property dispute and ulterior motive harbored by the complainant who seeks to exert pressure upon these petitioners to extort money for monetary gain and to settle personal scores. As a matter of fact, previously, one Bibi Shahjahan had title and possession over the land in question vide Jamabandi No. 910/918 and she executed a sale deed in favour of one Habib Uddin, who happens to be father of these petitioners, vide Sale Deed dated 02.06.1976 and name of father of these petitioners was also registered in Register II and subsequently, a Jamabandi bearing Jamabandi No. 2532 was created. Thereafter, in the year 2005, after death of Md. Habib Uddin, these petitioners being his legal heirs became the owners of the land in question and held the



title and possession over the same and in good faith and being the bone fide owner of the land in question, they have executed the alleged sale deed and have not committed fraud with the complainant. Moreover, the dispute involved in the present case is with regard to sale and purchase of land, which is purely civil in nature and none of the acts allegedly committed by these petitioners would give rise to any criminal liability. Petitioners claim clean antecedents.

5. Learned A.P.P. for the State and learned counsel appearing on behalf of the informant have vehemently opposed the prayer for grant of anticipatory bail to the petitioners.

6. Considering the facts and circumstances of the case, nature of accusation and clean antecedents of the petitioners, the prayer for grant of anticipatory bail to the petitioners is allowed.

7. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioners be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Complaint Case No. 148 of 2024, subject to condition as laid down under Section 482(2)



of the B.N.S.S..

(Prabhat Kumar Singh, J)

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