

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64964 of 2025

Arising Out of PS. Case No.-499 Year-2016 Thana- ARARIA District- Araria

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Anwarul @ Panchu S/o Makbul Ali R/o Village - Kadawa, P.S - Raniganj,
District - Araria

... .. Petitioner/s

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Ramesh Kumar Singh, Adv.
For the Opposite Party/s :	Mr.Bhanu Pratap Singh, A.P.P.
	Md Naushaduzzoha, Adv.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 17-09-2025 Heard learned counsel for the petitioner, learned
counsel for the complainant and learned A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Araria P.S. Case No. 499 of 2016, registered for the offences under Sections 420, 406, 468, 467/34 of the Indian Penal Code.

3. As per the prosecution case, the petitioner sold 35 decimal of land to the complainant who came into its possession and subsequently the complainant came to know that prior to execution of sale deed, the petitioner gifted 11 decimal of that land on which sale deed was executed in favour of his son. The son in whose favour the gift deed was executed started obstructing the possession of the complainant who filed the case



against the petitioner.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner did not gift 11 decimal land out of 35 decimal land, rather this 11 decimal land was not part of 35 decimal land sold to the complainant. This petitioner was having 6.61 acre land in the same place. The claim of the complainant that 11 decimal land is being claimed by the son of the petitioner from his 35 decimal land is not correct. The complainant is already in possession of 35 decimal land and on this account no offence is made out against the petitioner. The land was sold way back in the year 1991 and till 2016 there has been no occasion for any dispute and the land also got mutated in favour of the complainant. The learned counsel categorically states that the 35 decimal land of the complainant has nothing to do with the land gifted to the son of the petitioner and it is a purely civil dispute. The petitioner is having clean antecedent and he is in custody since 21.06.2025 and charge sheet has been submitted.

5. Learned A.P.P. appearing for the State as well as learned counsel appearing on behalf of the complainant vehemently opposes the submission made on behalf of the



petitioner. Learned counsel appearing on behalf of the complainant submits that the petitioner deliberately sold the same land to the complainant for part of which he has already executed a gift deed in favour of his son and now the son is making claim over 11 decimal land from the purchased 35 decimal land of the complainant.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the categorical submission of the petitioner about 11 decimal land not being part of 35 decimal land already in possession of the complainant and also considering clean antecedent of the petitioner and period of custody of the petitioner, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Araria/concerned court, in connection with Araria P.S. Case No. 499 of 2016, subject to the condition laid down under Section 480(3) of the BNSS and other following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court



below, if so required by the learned trial court.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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