

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77267 of 2024

Arising Out of PS. Case No.-483 Year-2023 Thana- DHAKA District- East Champaran

1. Majahrul Haque @ Mahrul Haque Son of Late Gafur Mian Resident Of Village- Senwariya, P.S.- Chiraiya, District- East Champaran
2. Nasima Khatoon Wife of Late Ishrail Mian Resident Of Village- Senwariya, P.S.- Chiraiya, District- East Champaran
3. Santosh Kumar Son of Shree Rai Resident Of Village- Sapgardha, P.S.- Chiraiya, District- East Champaran
4. Anil Kumar @ Anil Rai Son of Nagina Rai Resident Of Village- Sapgardha, P.S.- Chiraiya, District- East Champaran
5. Babita Devi Wife of Rajeshwar Rai Resident Of Village- Sapgardha, P.S.- Chiraiya, District- East Champaran
6. Subodh Yadav Son of Rooplal Yadav Resident Of Village- Sapgardha, P.S.- Chiraiya, District- East Champaran
7. Ashok Yadav Son of Ram Bahadur Rai Resident Of Village- Sapgardha, P.S.- Chiraiya, District- East Champaran
8. Mukti Narayan Rai Son of Shital Rai Resident Of Village- Sapgardha, P.S.- Chiraiya, District- East Champaran
9. Ashok Prasad Son of Pyare Lal Resident Of Village- Lalbegiya, P.S.- Chiraiya, District- East Champaran
10. Moti Lal Rai Son of Hardeyal Rai Resident Of Village- Khartari, P.S.- Chiraiya, District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Jahangir Alam S/o- Late Mumtajm Ahmad R/o- Senuwariya, P.S.- Chiraiya, Dist.- East Champaran (Motihari)

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar, Advocate
For the Opposite Party/s	:	Mr. Niranjana Prasad Singh, Advocate
For the State	:	Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 14-07-2025 Heard Mr. Manoj Kumar, learned counsel for the

petitioners, Mr. Arun Kumar Singh, learned Additional Public

Prosecutor for the State and Mr. Niranjana Prasad Singh, learned



counsel for the Opposite Party No.2

2. The petitioners are apprehending their arrest in connection with Dhaka P.S. Case No. 483 of 2023, F.I.R. dated 23.08.2023 for the offences punishable under Sections 420, 467, 468, 471/34 of the Indian Penal Code.

3. According to prosecution case, the informant's grandfather bought 5 Katha 2 Dhur of land in 1951, but out of this, 4 Katha 10 Dhur was allegedly sold illegally by Md. Muslim and 12 others, including the petitioners, through a sale deed as part of a conspiracy involving vendors, vendees, and witnesses.

4. Learned counsel for the petitioners submits that petitioner Nos. 1, 2, 5, 6, 9 and 10 have clean antecedent and petitioner Nos. 3, 4, 7 and 8 have one criminal antecedent other than the present case and they are on bail in the pending matter. Learned counsel for the petitioners submits that the petitioners are vendors and vendees of the sale deed in question and it appears that the present F.I.R. was lodged after one month of the execution of sale deed. The allegation, as alleged in the F.I.R., is false and fabricated and the petitioners have not committed any offence as alleged in the F.I.R. and some of the petitioners are witnesses of the said sale deed in question and the informant has



filed the present F.I.R. alleging therein that some of the petitioners have sold the land in question in favour of the petitioners, which originally belonged to the informant. Learned counsel for the petitioners further submits that the present dispute is purely civil in nature and the informant has the remedy under the law.

5. The learned Additional Public Prosecutor as well the counsel for the informant/Opposite Party No.2 have vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released 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 the learned Sub Divisional Judicial Magistrate, Sikrahana at Dhaka, East Champaran in connection with Dhaka P.S. Case No. 483 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

- i. Petitioners shall co-operate in the trial and shall be



properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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