

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73195 of 2025

Arising Out of PS. Case No.-355 Year-2024 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Md. Saddam Hussain S/O Md. Taimullah Resident of Village- Bara Pareuwa,
Ward No.- 16, Police Station-Raxaul, District-East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Suresh Kumar S/O Ram Naresh Prasad Resident of Village- Chota Pureuwa,
Police Station-Raxaul, District-East Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shakil Ahmad Khan, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-11-2025 Heard Mr. Shakil Ahmad Khan, learned counsel

for the petitioner and Mr. Aditya Narayan Singh.1, learned

Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No. 355 of 2024 for the
offences punishable under Sections 467, 468, 120(B), 504 and
506 of the I.P.C.

3. According to prosecution case, the petitioner and
the complainant are claiming the ownership over the same piece
of land based of different sale deed. The complainant alleged
that all the accused persons are threatening him.

4. Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the complaint petition is false and fabricated and the petitioner has not committed any offences as alleged in the complaint petition. The learned Court below after examining the complainant under Section 202 of the Cr.P.C. has taken cognizance under Sections 467, 468, 120(B), 504 and 506 of the I.P.C. He further submits that the petitioner has purchased the land in question on 11.01.2024 from Hiralal Sah, Sitaram Sah and Ramlal Sah who were khatiyani Raiyat of the aforesaid land in question and the complainant has purchased the land in question on 25.01.2024 from Basa Singh, Garima Kumari and Rahul Kumar. The complainant has also filed a title suit bearing Title Suit No. 320 of 2024 against the petitioner for the same set of land which is the subject matter of the present case. He further submits that the complainant on one hand filed criminal case and on another he has filed title suit on 18.05.2024 which is pending for consideration before the learned Trial Court.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent and the subject matter of



the land in question is also the subject matter of the title suit which is pending for consideration before the learned Trial Court, let the petitioner, above named, in the event of 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) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Motihari, East Champaran in connection with Complaint Case No. 355 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner 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 petitioner and in case at any stage it is found that the petitioner has concealed his



criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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