

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81056 of 2024

Arising Out of PS. Case No.-76 Year-2022 Thana- KISHANGANJ District- Kishanganj

Sahabul Akhtar @ Md. Shahabul Akhter Son of Md. Alauddin Resident of
Village- Pothia Dheka Minza, P.S. and District- Kishanganj (Bihar)

... .. Petitioner

Versus

1. The State of Bihar
2. Gulam Haider S/O Late Md. Sultan R/O Ward no. 6, P.S. and District -
Kishanganj. At present residing at Sagarpur, P.S. - Chakliya, Uttar Dinajpur,
West Bengal

... .. Opposite Parties

Appearance :

For the Petitioner/s :	Mr.Md. Nurul Hoda, Advocate
For the Opposite Party/s :	Mr.Ram Priya Sharan Singh, A.P.P. Mr. Pankaj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

- 3 27-01-2025 Heard learned counsel for the petitioner, the State and
opposite party no.2 .

2. Petitioner apprehends arrest in a case registered for
the offence punishable under sections 323, 504, 506, 467, 468,
471 of the Indian Penal Code.

3.As per the prosecution case, informant/ opposite
party no.2, who is owner of the shop in question which has been
purchased by him through sale deed numbers 2274 & 2278,
both dated 06.05.98, in which the complainant has shown this
petitioner as his tenant on payment of monthly rent of Rs.
1400/-. It has been further alleged that the petitioner paid the
rent for some period but thereafter he started claiming his
ownership over the said shop/land by showing forged and
fabricated sale deed bearing number 8276 dated 15.04.81,
alleged to have been executed by one Jainuddin Hussain Mirja
in favour of Md. Allahddin but it has been reported from the
registry office Purnia that no such sale deed was registered by



said Jainuddin Hussain Mirja in favour of Md. Allahddin on 15.04.81. Rather the sale deed number 8276 was executed by one Upendra Prasad Yadav in favour of Sone Lal Poddar on 18.01.2022.

4. It is submitted on behalf of the petitioner that petitioner's father had purchased the said land vide sale deed no. 8276 in the year 1981 and after death of his father petitioner is in possession of the said land. Moreover, the dispute is of civil nature and the informant has filed this case only to put undue pressure upon the petitioner for wrongful gain. Police after investigation submitted final form against the petitioner but the Court below differing with the same took cognizance of the offence.

5. Learned counsel for the State and the informant oppose the prayer for bail.

6. Considering the aforesaid facts of the case, prayer for bail of all the petitioners is allowed. In the event of arrest/surrender within six weeks from today, let these petitioners, mentioned above, be enlarged 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 Chief Judicial Magistrate, Kishanganj in Kishanganj Police Station Case No. 76/2022, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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