

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2252 of 2025

Arising Out of PS. Case No.-2167 Year-2023 Thana- SIWAN COMPLAINT CASE District-
Siwan

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1. Hadish Ansari Son of Late Islam Ansari Resident of Village- Nabihata, P.S.- Barahariya, District- Siwan
 2. Nadim Ansari Son of Hadish Ansari Resident of Village- Nabihata, P.S.- Barahariya, District- Siwan

... .. Petitioner/s

Versus

1. The State of Bihar
2. Esrar Shaikh S/o- Abdul Sattar Shaikh C. Room No-270, Jhopar Patti Ashok Nagar Near Shivsena Office Vashinakayendur Mumbai Maharashtra P/A- Nabihata Po- kailgarh Ps- Barharia Dist- Siwan

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md Ansiur Rahman
For the Opposite Party/s : Mr.Anil Prasad Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 12-02-2025 Heard learned counsel for the petitioners, State and complainant/opposite party no. 2.

2. The petitioners apprehend their arrest in a complaint case punishable for the offence under Sections 323, 341, 406, 420, 504 and 506/34 of the Indian Penal Code.

3. It is alleged that despite receiving consideration money of total Rs. 7 lacs (Rs. 5,50,000/- (five lacs fifty thousand) through account transfer and Rs. 1,50,000/- in cash) petitioners refused to execute sale-deed in favour of complainant/opposite party no. 2 and also refused to return the



money.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence. The prosecution case is absolutely false and baseless. In fact, complainant had land problem in Madhuban village because some persons had taken forceful possession of his land and they were demanding Rs. 4,50,000/- (four lacs fifty thousand) from the complainant to deliver the possession of land and thereafter, on the request of complainant, petitioner no. 1 gave aforesaid money to intruders and pacified the matter. The complainant refunded the said amount to petitioner no. 1, but later on, in order to grab the money, this false and concocted case has been lodged. However, without admitting the allegation made in complain petition, petitioners are ready to refund Rs. 4,50,000/- (Rupees four lacs fifty thousand) to the complainant in easy installments, for which, learned counsel for the complainant/opposite party no. 2 does not oppose.

5. Considering the aforesaid facts and circumstances, let the above named petitioners, in the event of their arrest/surrender within a period of eight weeks from today, 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 Judicial Magistrate 1st Class, Siwan in connection with Complaint Case No. 2167 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure with further following conditions:

“(A) At the time of furnishing bail-bonds, the petitioners shall deposit **Rs. 2,00,000/-** (Two lacs) in the *Nazarat* of concerned Civil Court and receipt of the same shall be furnished alongwith bail-bonds.

(B) Rest amount i.e. **Rs. 2,50,000/-** (Two Lacs fifty thousand) shall be deposited in the *Nazarat* of concerned Civil Court in two installments within a period of six months from the date of furnishing bail-bond.

(C) ***The aforesaid payment shall be subject to final outcome of the case.***

(D) If petitioner fails to comply the direction of this Court, the learned Court below would be at liberty to cancel the bail-bond of the petitioner.”

6. This order has been passed, without going into the merit of the case, only for the purpose of considering the prayer for anticipatory bail of petitioner.

(Prabhat Kumar Singh, J)

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