

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27894 of 2025

Arising Out of PS. Case No.-1499 Year-2024 Thana- PHULWARISHARIF District- Patna

1. Akhtar Ali Son of Late Gaffar Ali village- Saywam Apartment Ranipur Road, Alwa colony, Near Pakuri Factory, Po and PS -Phulwarisharif District -Patna
2. Arshad Ali son of Late Gaffar Ali village- Saywam Apartment Ranipur Road, Alwa colony, Near Pakuri Factory, Po and PS -Phulwarisharif District -Patna
3. Md. Mushtakim son of Late Md. Tahir Hajam village- Saywam Apartment Ranipur Road, Alwa colony, Near Pakuri Factory, Po and PS -Phulwarisharif District -Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Salam Iraqui Son of Md. Sattar village- kankarbagh Main Road, Ward no. 25, Ps- Kankarbagh, Dist- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rakesh Kumar Sharma
For the Opposite Party/s	:	Mr.Jharkhandi Upadhyay
For the Informant	:	Mr. Jivitesh Sisodia
		Ms. Nishka Paswan
		Ms. Kamya Thakur
		Ms. Shahrukh Iraqi

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

7 27-02-2026 Heard the parties.

2. Pursuant to the orders of this Court the SHO, Phulwarisharif Police Station has appeared but the builder has not appeared.

3. The petitioners apprehend his arrest in connection with Phulwarisharif P.S. Case No. 1499 of 2024 registered for the offence under Section 126(2), 115(2), 303(2),



308(3), 318(4), 316(2), 352, 351(2), 351(3), 3(5) of the BNS.

4. As per the prosecution case, the allegation against the petitioners is that they are not giving the car park to the informant.

5. It has been submitted by the learned counsel for the petitioners that the petitioners are innocent and they have falsely been implicated in this case. He further submits that the informant is the purchaser from the original allottee and it is the builder, who has construction illegal floor and because of the same, the present dispute has arisen. He next submits that the whole confusion has been created by the builder and not the petitioners.

6. Considering the aforesaid facts, this application is allowed.

7. Let the petitioners, above named, in the event of their arrest or surrender before the concerned Court below within four weeks from today, 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 Additional Chief Judicial Magistrate-IV, Patna/concerned Court below in connection with Phulwarisharif P.S. Case No. 1499 of 2024, subject to the conditions laid down in Section 438(2) of the



Code of Criminal Procedure, 1973 / Section 482 of the BNSS.

8. The informant and the landlord are given liberty to file a case against the builder for making illegal construction and selling the flats because of which the parking dispute has arisen.

(Sandeep Kumar, J)

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