

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42473 of 2026

Arising Out of PS. Case No.-494 Year-2023 Thana- CIVIL LINE District- Gaya

1. Md. Iqbal Khan @ Iqbal S/O Late Sitara Khan Resident of Shaheenbagh Abul Fazal Part I, P.S- Jamia Nagar, New Delhi.
2. Md. Kamal Khan S/O Late Sitara Khan R/O Mohalla- Aliganj Road No. 14, P.S.- Chandauti, Distt.- Gaya Ji.
3. Imran Khan S/O Late Sitara Khan R/O Mohalla- Aliganj Road No. 14, P.S.- Chandauti, Distt.- Gaya Ji.
4. Md. Naushad Khan @ Guddu S/O Badruzzama Khan R/O Mohalla- Aliganj Road No. 14, P.S.- Chandauti, Distt.- Gaya Ji.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivendra Prasad, Advocate

For the Opposite Party/s : Ms. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 01-07-2026 Heard the learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Civil Lines P.S. Case No. 494 of 2023, F.I.R dated 05.08.2023 registered for the offences punishable under Sections 406, 420, 467 and 468/34 of the Indian Penal Code / Bharatiya Nyaya Sanhita, 2023.

3. According to prosecution case, the informant is the owner of a house situated at Mohalla Aliganj, which he received from his sister through oral Hibba on 30.06.2020 and



subsequently got mutated in his name. It is alleged that the accused persons filed an objection in the mutation proceeding on the basis of a forged Hibba deed purportedly executed on a non-judicial stamp paper dated 15.09.2014. Upon inquiry, discrepancies were found regarding the issuance and sale of the stamp paper, indicating that the document was forged. The objection filed by the accused persons was accordingly rejected. It is further alleged that the accused persons prepared and used the forged document before the Municipal Corporation with the intention to illegally obtain the disputed property.

4. Learned counsel for the petitioners submits that the core issue, involving in this case, is the dispute related to *Hibbanama* that is issued in favour of these petitioners, which is being disputed by the informant and his family members. It has next been submitted that there is already a title suit, bearing T.S. No. 467 of 2022, pending prior to instituting of the instant case.

5. Learned APP for the State opposes the prayer for anticipatory bail in respect of the petitioners.

6. Considering the nature of the dispute, which is raised in the instant F.I.R. and in order to allow these petitioners to participate in the pending title suit and get the issues resolved,



this Court is inclined to grant the privilege of anticipatory bail to these petitioners.

7. Let the petitioners, above named, in the event of his/her 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 ACJM 1st, Gaya Ji in connection with aforesaid P.S. Case, 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) one of the bailors should be the family member/relative/known of the petitioner(s) who shall provide official document/personal affidavit to show his/her bona fide;

(ii) the petitioner(s) shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her/their bail bond by the Trial Court itself;

(iii) the petitioner(s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner(s) shall desist from committing any criminal offence again,



*failing which the State shall be at liberty to
take steps for cancellation of their bail
bonds.*

(Ajit Kumar, J)

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