

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.41701 of 2025

Arising Out of PS. Case No.-1481 Year-2024 Thana- PHULWARISHARIF District- Patna

Alim Akhtar @ Md. Alim Akhtar S/o- Late Abdul Kayum Moh- Karbigahia
Ps- Jakkanpur Dist- Patna

... .. Petitioner/s
Versus
The State of Bihar Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 41859 of 2025

Arising Out of PS. Case No.-1481 Year-2024 Thana- PHULWARISHARIF District- Patna

Sohrab Alam @ Sohrab @ Sohrao S/o Aftab Malik Resident of Nayatola,
Phulwarisharif, P.S.- Phulwarisharif, District- Patna

... .. Petitioner/s
Versus
The State of Bihar Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 41701 of 2025)
For the Petitioner/s : Mr. Uday Prasad, Adv.
For the Opposite Party/s : Mr. Shyameshwar Dayal, App.
(In CRIMINAL MISCELLANEOUS No. 41859 of 2025)
For the Petitioner/s : Mr. Uday Prasad, Adv.
For the Opposite Party/s : Mr. Akshay Lal Pandit, App.
For the Informant : Mr. Birendra Narayan Sharma, Adv.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

- 621-01-2026
1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Phulwarisharif Police Station Case No. 1481 of



2024, disclosing offences under Sections 329(3), 318(4), 308(3), 352, 351(2) of the BNS, 2023.

3. The informant, namely Birendra Narayan Sharma, has alleged in the FIR that on 7th September, 2024, the labourers of the informant were working on his piece of land located near Nausa Karbala. The accused persons, namely Sohrab, Tunnu and 8 to 10 persons, arrived there and stopped the work forcibly. They were sent by the petitioner Alim Akhtar and others. On the same day, at around 6 to 10 hours, the informant received a threatening phone call in which he was asked to leave the land. On 8th September, 2024, at about 3 p.m. the co-accused Asif Hussain and the petitioner Alim Akhtar, accompanied by 8 to 10 criminals, arrived at the informant's house and said that land was recorded in the khatian and was registered in the name of the petitioner and 20 to 25 persons would forcibly take possession of the land. It has been alleged that for the last 20 to 25 years, the land mafia and criminals used to threaten the informant continuously in order to grab the petitioner's land forcibly. The informant has further alleged that he can identify Sohrab and Tunnu and can also identify unknown persons by face. Tabrez Alam alias Nazar who is the land mafia, is behind the occurrence.



4. Mr. Jitendra Kumar Bharti, learned counsel for the petitioners, submits that the petitioners have falsely been implicated in this case due to land dispute between the parties, which is going on for a very long period. The informant is a lawyer and his brother Dharmendra Narayan Sharma is also a lawyer. Taking advantage of their Profession, the informant and his brother are disturbing the petitioners and are not allowing them to visit their land which they got from their maternal grandfather. The land is situated in plot no. 526, khata no. 339, having a total area of 89 decimals out of which 5 to 6 katthas were sold by the informant's mother in 1990s.

5. The petitioner has filed Title Suits No. 501/2024, Title Suit No. 518/2024, and Title Suit No. 64/2025 for declaration of title upon the subject land and other lands claimed by the petitioners. The injunction petition has been filed in all title suits and in Title Suit No. 501/2024 and Title Suit No. 64/2025, summon has been issued on the injunction petition to the informant and status quo has been granted by the Trial Court. The plot no. 526 is subject matter of Title Suit No. 64/2025. The petitioner/Alim Akhtar alias Md. Alim Akhtar, has filed cancellation of Jamabandi Case No. 107 of 2024 and Jamabandi Cancellation Case No. 215 of 2024 in the Court of



Additional Collector, Patna, against the informant, his father and his grandmother. Another Jamabandi Cancellation Case No. 1387 has been filed against the brother of the informant, Dharmendra Narayan Sharma.

6. Learned counsel further submits that in the FIR, it has only been alleged that while the informant was doing some work on his land, the co-accused, Sohrab Alam and others, arrived there and stopped the informant from performing work upon the subject land at the behest of the petitioner and other accused persons. Another case bearing Phulwarisharif P.S. Case No. 1752 of 2024 was lodged by the informant, dated 14.11.2024, registered against the petitioners and others under Section 308(2), 329(3), 318(4), 352, 351(2)(3) and 3(5) of the BNS, 2023, in which this Court granted anticipatory bail to the petitioners vide order dated 12.08.2025 in Cr. Misc. No. 49095 of 2025.

7. Learned counsel further submits that altogether two criminal cases have been filed by the informant against the petitioners and this is the second case in which petitioners are seeking anticipatory bail and in the first case arising out of Phulwarisharif P.S. Case No. 1752 of 2024, anticipatory bail has been granted to the petitioner. A third case has been filed by the



brother of the informant against the petitioners for snatching of golden chain bearing Phulwarisharif P.S. Case No. 360 of 2025.

8. On the other hand, Mr. Birendra Narayan Sharma, informant and learned advocate, submits that the grandfather of the informant and their brothers purchased the land bearing Khata No. 339, Plot No. 526, from the sons of Khatiyani Raiyat Dwarka Singh through registered sale deed in 1941, having an area of 89 decimals. A copy of the Khatiyani has been annexed at Annexure A of the counter affidavit filed by the informant and sale deed has been annexed at Annexure B. From perusal of the photocopy of the khatiyani, it would be evident that Md. Naseer has been shown as the zamindar having right to realize the rent only from the raiyat.

9. After abolition of zamindari in 1955-56, on the basis of return submitted by the zamindar in the name of Suraj Narayan Sharma, grandfather of the informant, and Satya Narayan Sharma, father of the informant, and Vidya Devi, informant's mother. LPC has been issued in favor of the petitioner's mother which is annexed at annexure C, D.

10. Learned counsel further submits that Indian Oil Corporation paid compensation to the grandfather of the informant for using the land of the informant at plot no. 526 for



laying the oil pipeline through the land of the petitioners.

11. The petitioners, on the basis of fake and fabricated documents with the help of syndicate and land mafia, is trying to grab the house and land of the informant and with that motive, a Jamabandi Case No. 107 and 108 has been filed by the petitioners before the Additional Collector. Petitioners are having three criminal antecedents. The petitioners have no connection with the family of the zamindar and on the basis of fake documents, he is claiming the land in question.

12. In reply, learned counsel for the petitioners argued that disputed land was the Bakast land of the ancestor of the petitioner Alim Akhtar, and registered D, Part 4 has been prepared in the name of the ancestor of the petitioner showing the land as Bakast land. A Jamabandi was also created in the name of petitioner's forefather, vide Mutation Case No. 845B of 1950-51.

13. I have heard learned counsel for the parties and have gone through the materials available on record.

14. Both the parties are claiming their right, title and interest upon the subject land and other lands for which three title suits have been filed by the petitioner Alim Akhtar. The petitioner no. 1 is claiming his title through his predecessor



in interest on the basis that the disputed land is a bakast land and gaimajarua malik and Jamabandi has been created after abolition of zamindari system in favour of his forefathers. The informant is claiming the right, title and interest upon the plot no. 526 and other plots on the basis of registered sale deeds which were purchased from the raiyat, Zamindar and family of zamindar before abolition of zamindari at around 1939 to 1941.

15. Considering the aforesaid discussion and the fact that the longstanding land dispute is there between the parties for which title suits have been filed by the petitioner/Alim Akhtar, in which, the informant is a defendant and the informant has already appeared in the title suit and the learned Trial Court has granted status quo till the filing of the show cause, I am inclined to grant the petitioners privilege of anticipatory bail subject to the condition that the petitioners and their men shall not create any disturbance upon the disputed land till the final disposal of the suit.

16. This application is, accordingly, allowed.

17. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, 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 learned District and Additional Sessions Judge-IV, Patna, in connection with Phulwarisharif Police Station Case No. 1481 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure/Section 482(2) of the BNSS, 2023.

(Anil Kumar Sinha, J)

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