

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55844 of 2024

Arising Out of PS. Case No.-206 Year-2022 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

=====

Md. Islam @ Islam, Son of Late Farjand Ali @ Parjan Ali, Resident of
Village-Amarpura, P.S.- Rafiganj, Distt.- Aurangabad

... .. Petitioner

Versus

1. The State of Bihar
2. Pravej Alam, Son of late Abdul Hakim, R/V- Kazichak, P.S.- Amarpura, P.S.-
Rafiganj, Distt.- Aurangabad At present Resident of 2/C, Pemantle Street
Kolkata-7000016

... .. Opposite Parties

=====

Appearance :

For the Petitioner	:	Mr. Sanjay Kumar, Advocate Mr. Pramendra Kumar Singh, Advocate
For the State	:	Mr. Arun Kumar Pandey, APP
For the O.P. No.2	:	Mr. Uma Kant Mishra, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 02-02-2026 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State duly assisted by

learned counsel appearing for the complainant/O.P. No.2.

2. The accused/petitioner is named in the complaint

petition and apprehending his arrest in connection with

Complaint Case No.206 of 2022 in which cognizance has been

taken for the offences punishable under Sections 420 read with

34 of the Indian Penal Code.

3. As per complaint petition, the petitioner and eleven



other co-accused persons alleged to create illegal *jamabandi* by interpolation/forging in correct and actual record.

4. It is submitted by learned counsel appearing for petitioner that the matter is related with partition of ancestral property for which a civil suit bearing No.8 of 2020 is pending before the court of learned Sub Judge, Aurangabad, which was filed by complainant. It is submitted that the petitioner is the Sarpanch of the area and in that capacity, he helped both parties to arrive to an amicable settlement, but as the complainant developed suspicion that the petitioner being Sarpanch inclined towards petitioner/co-accused persons, he was implicated falsely with present case also without having any cogent material. It is submitted that the petitioner is not beneficiary of alleged land deal.

5. Arguing further, it is submitted that the complaint is not supported by affidavit, which is in violation of established principle of law in terms of legal report as available through **Priyanka Srivastava v. State of Uttar Pradesh [(2015) 6 SCC 287]**. The petitioner claimed clean antecedent.

6. Learned APP duly assisted by learned counsel appearing for the complainant while opposing the prayer of bail



submitted that the petitioner was in collusion with other co-accused persons.

7. In view of aforesaid factual submissions and by taking note of fact as the dispute is primarily civil in nature, where the petitioner only appears mediators in capacity of sarpanch between the parties and dispute also appears to be raised in civil side, as mentioned aforesaid, accordingly, the petitioner, above-named, in the event of his arrest or surrender in the court below within a period of four weeks from today, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad in connection with Complaint Case No.206 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure (in short ‘CrPC’)/under Section 482(2) of the Bhartiya Nagrik Suraksha Sanhita, 2023 (in short ‘BNSS’).

(Chandra Shekhar Jha, J.)

Sanjeet/-

U		T	
---	--	---	--

