IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51759 of 2026

CNR No. BRHC010738542026

Arising Out of PS. Case No.-248 Year-2021 Thana- KORHA District- Katihar

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1. Md. Saklain @ Md. Saklain Mustaqe Son of Md. Aslam Resident of village- Bansapati Nandlalpur, P.S.- Kahalgaon, District- Bhagalpur
2. Md. Sahnawaj @ Md. Shahnwaj Alam Son of Md. Aslam. Resident of village- Bansapati Nandlalpur, P.S.- Kahalgaon, District- Bhagalpur
3. Niyazul Haque Son of Tajmul Miyan Resident of village- Bansapati Nandlalpur, P.S.- Kahalgaon, District- Bhagalpur
4. Md. Haiyaj @ Rk Son of Tajmul Miyan Resident of village- Bansapati Nandlalpur, P.S.- Kahalgaon, District- Bhagalpur

... ... Petitioner/s

Versus

1. The State of Bihar Bihar
2. Sambhu nath singh, S/O Late Vashudev Singh R/O- Village- Nawabganj, P.S. Manihari, District- Katihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Sumit Kumar, Advocate
For the Opposite Party/s : Mr. Umesh Lal Verma, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 04-11-2026 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Korha P.S. Case No. 248 of 2021 for the offence under sections 406, 420 and 34 of the Indian Penal Code lodged on 01.06.2021 by the informant, Shambhu Nath Singh.

3. As per the prosecution story, the informant alleged that his son purchased a *Hywa* but the accused person forcibly took it away on the point of gun and threatened out dire

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consequences if the Rs. 50,000/- is not paid. This led to the FIR.

4. As the story further moves, the *hywa* was seized/recovered from the house of the petitioners and now they are before this Court for grant of anticipatory bail.

5. Learned counsel for the petitioners submit that he also owns three Hywas which was given on rent to the informant side but he was not clearing the amount thereafter, an agreement was signed by vehicle owner, Vishwajeet Kumar with the petitioners in the presence of locals, giving and undertaking that till the payment is made, his Hywa shall remain with the petitioners (annexure-2 to the petition).

6. The submission is that on the one hand, the undertaking was given and on the other hand the F.I.R which led to the recovery/seizure.

7. The informant is appearing and according to him it is a forged document for which they intend to take appropriate legal steps. Upon query by the Court despite knowledge of the aforesaid document on record for last six months why steps not taken, the submission is that instruction shall be taken to do the needful. The submission is that the contents put forward in the F.I.R are correct and the petitioners do not deserve any relief.

8. Learned APP for the State opposes the prayer.

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9. Taking into account the submissions of the parties as also that the dispute that is there, it seems that the non-payment of rent as also the stationing of the a *hywa* as per the agreement (annexure-2) is/are there, the petitioners have assured of cooperating in the investigation, they do not have any criminal antecedent, in that background, this Court is inclined to extend them the privilege of anticipatory bail with conditions.

10. Let the petitioners be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Korha P.S. Case No. 248 of 2021 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document (Aadhaar Card/Voter ID Card/Pan Card/Driving License) to show his/her bona fide;

(ii) the petitioners 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 their bail bond by the Trial Court itself;

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(iii) the petitioner shall be appearing before the Police Station as and when required for cooperating in the investigation;

(iv) the petitioners 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;

(v) the petitioners 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.

(Rajiv Roy, J)

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