IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62930 of 2026

CNR No. BRHC010895772026

Arising Out of PS. Case No.-106 Year-2025 Thana- Lalmatia District- Bhagalpur

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Md. Islam @ Islam @ Md. Islam Ahmad S/O Late Khalil @ Late Khalil R/O Village- Fort Road No. 3, Narga Bazar, P.S.- Nathnagar, Distt.- Bhagalpur.

... ... Petitioner/s

Versus

1. The State of Bihar
2. Punam Devi W/O Mohan Kumar R/O Village- Mohanpur, P.S.- Lalmathiya, Distt.- Bhagalpur.

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Dhananjay Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Md. Aslam Ansari,APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

3 29-10-2026 1. Heard learned counsel for the petitioner and learned A.P.P. for the State and learned counsel appearing on behalf of the informant.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 316(2), 318(4), 352, 351(2) of the Bharatiya Nyaya Sanhita.

3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant alleges that on 07.07.2021 she entered into a registered agreement with the petitioner for purchasing half kattha land and the consideration fixed was Rs. 13,44,000/- and thus had paid an amount of Rs. 12,78,500/- at the time of agreement

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through cash and in the account, further her husband had also entered into an unregistered agreement with the petitioner for purchasing two kattha land for the same khata and khesra i.e. Khata No. 456 and Khesra No. 572 and paid an amount of Rs. 26,36,000/-, but informant is not executing the sale deed, it is next alleged that petitioner sold the land for which agreement was entered with the informant to Kamruddin Alam, next alleges that petitioner prepared a fake agreement with an intent to usurp her and her husband money amounting to Rs. 39,14,500/- and said to other people based on the fake agreement that money has been returned.

4. Learned counsel appearing on behalf of the petitioner submits that petitioner has been falsely implicated in the instant case by the informant, it is next submitted that land pertaining to Khata No. 456 and Khesra No. 572 does not belong to the petitioner, it is further submitted that petitioner was known to the owner, as such, he had entered into an agreement with the informant which was a registered agreement based on which some amount was credited in his account, but then disputes that any cash amount was paid, it is next submitted that from perusal fo the allegation as alleged in the FIR, it would manifest that informant also alleges that her husband

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entered into an unregistered agreement with the petitioner for purchasing two katthas of land for which Rs. 26,36,000/- was paid. The petitioner also disputes the said allegation. It is also submitted that the dispute is purely civil in nature to which a criminal colour has been given.

5. Learned A.P.P. for the State and learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the petitioner.

6. Learned counsel appearing on behalf of the informant submits that informant and her husband had entered into an agreement with the petitioner for purchasing a piece of land as described in the FIR, though the agreement entered by the husband of the informant with the petitioner was an unregistered one and some amount was also credited in his account. It is next submitted that if petitioner is not the owner of the land as submitted by the learned counsel appearing on behalf of the petitioner, in that event, the amount which was credited in the account of the petitioner the said amount ought to have been transferred to the owner of the land.

7. On query of the Court that as to whether the amount received in the account of the petitioner was transferred in the account of the owner of the land or not, on which the

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learned counsel appearing on behalf of the petitioner submits that the same was transferred, on which the learned counsel appearing on behalf of the informant submits that had the petitioner transferred the amount as is being submitted by the learned counsel appearing on behalf of the petitioner in that event the same would have been pleaded in the anticipatory bail application also.

8. At this stage, the learned APP for the State submits that value of land in the State of Bihar has skyrocketed, as such, cases in large number relating to sale and purchase of land is being instituted, it is also submitted that if petitioner is innocent, the police after investigation will submit final form, but then fairly agrees with the submission made by the learned counsel appearing on behalf of the informant that had the land belonged to some other person in that event, the petitioner would have pleaded in the anticipatory bail application that the money which he received in his account was transferred in the account of the land owner which is completely missing which casts an aspersion on the conduct of the petitioner and thus requires to be investigated for which interrogation of the petitioner is necessary.

9. After hearing the learned counsel for the parties

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and taking into consideration, the submissions made by the learned counsel appearing on behalf of the informant and learned APP for the State, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

10. Accordingly, the instant anticipatory bail application stands rejected.

(Satyavrat Verma, J)

Nitesh/-

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