IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79866 of 2026

CNR No. BRHC011140402026

Arising Out of PS. Case No.-402 Year-2024 Thana- COMPLAINT CASE - DALSINGHSARAI District- Samastipur

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KAYUM SAH @ MOHAMMAD KAYUM S/o Late Hafij @ Md. Hafij @ Hafij Sah R/o vill - Rahimpur Vyare @ Rahimpur Peare, P.S.- Ghatho, Distt.- Samastipur

... ... Petitioner/s

Versus

1. The State of Bihar
2. Ramprit Das @ Rampriti Das S/o Late Khakhanu Das R/o vill - Rahimpur Vyare @ Rahimpur Peare, P.S.- Ghatho, Distt.- samastipur

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Alok Kumar Sinha, Adv.
For the Opposite Party/s : Mr.Anand Kishore Choudhary, APP
Mr. Surya Narayan Roy, Adv.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA

ORAL ORDER

2 25-11-2026 Heard learned counsel for the petitioner, learned counsel for O.P. No.2 and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Complaint Case No.402 of 2024 registered for the offence punishable under Section 318(4) and 351(2) of the BNS.

3. Learned counsel for the petitioner submits that the petitioner is innocent and has not committed any offence. He has falsely been implicated in the present case. He further submits that the petitioner has no criminal antecedent. Learned counsel for the petitioner submits that it that the sale of the land took place in the year 1980 and after merely 44 years the

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complaint case has been filed relating to the said transaction.

4. Learned A.P.P. for the State along with learned counsel for O.P. No.2 opposes the prayer of anticipatory bail.

5. From the allegations levelled in the complaint, it transpires that the alleged sale of the land happened in the year 1980 and after merely 44 years the complaint case has been filed relating to the said transaction.

6. The averments made in the complaint petition prima-facie discloses that it is a civil dispute between the parties, which has been given a colour of criminal case. The petitioner has no criminal antecedent. Under these circumstances, this Court is inclined to grant privilege of anticipatory bail to the petitioner.

7. Let the petitioner, named above, in the event of his arrest or surrender before the Court below within four weeks from today, 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 Judicial Magistrate, Ist Class, 30, Dalsingh Sarai, Samastipur in connection with Complaint Case No.402 of 2024, subject to the conditions laid down under section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 and subject to the further condition that:-

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(i) the petitioner shall co-operate in the investigation/trial.

(ii) the learned Court would, however, verify the criminal antecedent of the petitioner and in case it is found that the petitioner has concealed his criminal antecedent, the Court below shall take step for cancellation of bail bond of the petitioner. However, it is expected that the verification process would be done expeditiously without causing any delay.

(Alok Kumar Sinha, J)

Prakash Narayan

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