

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.16466 of 2020**

Arising Out of PS. Case No.-115 Year-2019 Thana- RAGHUNATHPUR District- Siwan

1. Mokhtar Mohamad @ Mokhtar Mahamd @ Mokhtar Mohammad, aged about 46 years, Gender-Male, S/o Late Yasin Miyan, R/o village and P.O.- Pataar, P.S.- Raghunathpur, District- Siwan.
2. Bibi Kuraisha Begum @ Bibi Kuraishi Begum, aged about 40 years, Gender-Female, W/o Mokhtar Mohamad @ Mokhtar Mahamd @ Mokhtar Mohammad, R/o village and P.O.- Pataar, P.S.- Raghunathpur, District- Siwan.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

**Appearance :**

For the Petitioner : Mr.Bijay Prakash Singh, Advocate.  
For the Opposite Party : Mr.Syed Ehteshamuddin, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      27-11-2020                      Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 406, 420, 323 and 504/34 of the I.P.C.

The prosecution story, in brief, is that on 06.09.2012, the petitioner no. 1 executed a deed of agreement of Plot No.



365, Survey No. 550, Area- 1 Katha in favour of the complainant/informant after taking Rs. 1,00,000/- from her and for saving the expenses of registry only shown Rs. 73,000/- value of the said land but the same land was in possession of father of petitioner no. 1. Thereafter, the complainant/informant put pillars on four corners on the said land. The complainant/informant is own *Pattidar* of the petitioners and now the valuation of the said land is increased. Thereafter, the petitioners started saying that the said land was earlier executed as *Baxisnama* on 03.03.2011 i.e., before the execution of the aforesaid deed of agreement in favour of petitioner no. 2 by the father of petitioner no. 1. Hence, petitioner no. 1 made forgery with the complainant/informant. Petitioner no. 1 did not return Rs.1,00,000/- to the complainant/informant and he also wants to grab 1 Katha land. Petitioners also abused and assaulted the complainant/informant with fists and slaps.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. Initially, the complainant filed a complaint case before the C.J.M., Siwan, which became



instituted under Section 156(3) of Cr. P.C. The matter relates to sale and purchase of land in question. The same relates to civil dispute. Both parties are agnates.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioners above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-VIII, Siwan, in connection with Raghunathpur P.S. Case No. 115 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Sudhir Singh, J)**

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