

IN THE COURT OF SESSIONS JUDGE, PATNA

Anticipatory Bail Petition No.2872 of 2026.

1. Md. Shahjad Alam

2. Amir Mehfooz **Petitioners.**

Versus
The State of Bihar

**Order
No.**

Date

O R D E R

07 12-08-2026

1. The present application has been filed by the petitioners apprehending their arrest in connection with **Phulwarisharif P.S. Case No. 1053 of 2026**, registered under Sections 318(4), 336(3), 338, and 340(2) of the Bharatiya Nyaya Sanhita, 2023.
2. Heard Ms. Afiya Gazala, learned counsel for the petitioners and Sri Rajesh Kumar, learned Public Prosecutor for the State as well as Sri Vijay Anand, learned counsel for the informant.
3. As per the prosecution case, the informant, Tahir Hussain, claims to be the lawful owner of land pertaining to Khata No. 1026, Khesra No. 73, Mauza No. 35, Jamabandi No. 7444 (Current Part No. 54, Page No. 16714), within the jurisdiction of P.S. Phulwarisharif, District Patna. It is alleged that co-accused Arif Kamal, by fabricating and utilizing a forged sale deed, falsely impersonated himself as the son of the informant and fraudulently executed a sale of the said property in favour of petitioner No. 1, Shahzad Alam. The said sale deed is stated to have been registered on 23.11.2025 before the District Registry Office, Patna. Further, it is alleged that petitioner No. 2, Amir Mahfooz, along with co-accused Shahrukh Mallick, acted as attesting witnesses to the said document. The informant has also alleged that on 10.06.2025, certain unknown persons unlawfully locked the gate of the aforesaid land and extended threats of dire consequences to his son. On these allegations, the informant has sought legal action against the accused persons for offences relating to forgery, cheating, and criminal intimidation.
4. Learned counsel for the petitioners submits that the only non-bailable offences invoked are under Sections 318(4), 336(3), and

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338 of the BNS, which are punishable with imprisonment extending up to life. It is contended that even from the version of the informant, it is evident that petitioner No. 1 is the purchaser of the disputed land, which is alleged to have been sold to him by co-accused Arif Kamal, who falsely represented himself as the son of the informant. It is further submitted that if the allegation is true, then the petitioner No. 1 himself would stand deceived. It is also submitted that petitioner No. 1 has already instituted Title Suit No. 251 of 2026 seeking a declaration that the informant is a stranger to the property and that he is the lawful owner thereof. The petitioners are stated to have no criminal antecedents.

5. The learned Public Prosecutor ably assisted by learned counsel for the informant opposed the prayer for grant of anticipatory bail to the petitioners.
6. The Hon'ble Supreme Court in the case of **S. Anand v. State of Tamil Nadu, registered as Criminal Appeal No. 2066 of 2026 (arising out of SLP (Crl.) No. 12177 of 2022)**, has quashed the criminal proceedings against a *bona fide* property purchaser, ruling that a buyer cannot be prosecuted for cheating or conspiracy without tangible evidence of complicity in an underlying fraud. In the present case, the petitioner no.1 is the purchaser and petitioner no.2 is attesting witness; therefore, they cannot, merely by virtue of the purchase transaction, be prosecuted for the offences of cheating or criminal conspiracy. Both petitioners are residents of Jehanabad and property is situated in Patna. Main allegation of fabrication of document is on Arif Kamal.
7. Having regard to the facts and circumstances of the case, rival submissions of learned counsel for the parties, and clean antecedents of the petitioners, the prayer for grant of anticipatory bail of the above-named petitioners is **allowed**. It is ordered that in the event of arrest or surrender before the learned court below within four weeks from the date of receipt of this order, the above-named petitioners shall be released on bail on furnishing bail bond

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of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of like amount each to the satisfaction of learned court below subject to the **following conditions:-**

- (i) One of the bailor shall be close relative of the petitioners.
- (ii) Both the bailors shall provide their contact details- Mobile number/Whatsapp number, e-mail id (if available) **with an undertaking on affidavit** that these contact details shall not be changed till disposal of this case.
- (iii) The petitioners shall co-operate with investigation and shall appear before the concerned police station every month and mark their attendance, till the completion of investigation.
- (iv) If any of the above conditions are violated or facts stated in bail application are found false, the bail bond of the petitioners shall be cancelled.

(Dictated)

Sd/-

(Anamika T.)
Sessions Judge, Patna

Date of Order	12-08-2026
Date of Reserving Order	10-08-2026
Uploading Date	12-08-2026
Uploaded by	Amjad/-