

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8468 of 2015

Arising Out of PS.Case No. -143 Year- 2014 Thana -JHANJHARPUR District- MADHUBANI

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Md. Zafir S/o Sheikh Md. Daud @ Sheikh Md. Shoaib R/o Village - Sangram, P.S. - Jhanjharpur (Araria Sangram O.P.), District - Madhubani.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Shailesh Kumar, Advocate.

For the Opposite Party : Mr. R.B.S.Pahapuri(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

6 09-10-2015 Heard both sides.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 419, 420, 467, 468, 471 and 120B of the Indian Penal Code.

The allegation against the petitioner is that he sold the land of a mosque.

It is submitted that general public authorized the petitioner to sell the land of the mosque and utilize the same for the development of the mosque if any money is saved after development of the mosque the same should be deposited in the bank. It is further submitted that similarly situated co-accused Md. Jamil Akhtar @ Boha has already been enlarged on regular bail and the case of the petitioner stands on the same footing.

Considering the facts aforesaid that without any authority the petitioner sold the land of the mosque in the garb of having Fatwa to sell the land for the development of the mosque, I am not inclined to enlarge the petitioner above named on anticipatory bail. Accordingly, the same is rejected.

However, the petitioner, if so advised, may surrender before the court below within four weeks from the date of receipt/production of a copy of this order and pray for regular bail and his prayer shall be considered on its own merit without being prejudiced by this order preferably on the same day taking into account that similarly situated co-accused Md. Jamil Akhtar @ Boha has already been enlarged on regular bail.

(Prabhat Kumar Jha, J.)

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