

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45730 of 2014

Arising Out of PS.Case No. -833 Year- 2013 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

- =====
1. Musmat Tasrufani Khatoon @ Tasrufani Khatoon wife of late Ahmad Ali, resident of Village - Jagrampur, Police Station - Gopalpur, District - Gopalganj, daughter of Late Md. Wakil Mian, resident of Village - Selar Kala, Police Station - Fulwariya, District- Gopalganj.
2. Mohammad Kasim Ansari alias Kasim Ansari son of Late Mohammad Hakim Ansari Resident of Village - Selar Kala, Police Station - Fulwariya, District - Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar
2. Subedar Mian son of late Jann Mohammad, resident of village- Selar Kala, P.S.- Fulwariya, District- Gopalganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh

For the Opposite Party/s : Mr. Chandra Bhushan Prasad(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 16-04-2015 The petitioners, namely, Musmat Tasrufani Khatoon alias Tasrufani Khatoon and Mohammad Kasim Ansari alias Kasim Ansari, are apprehending their arrest in connection with Complaint Case No. 833 of 2013, Trial No. 2631 of 2014 which relates to the offences under Sections 420, 467, 468, 471 and 120B of the Indian Penal Code.

Heard learned counsel for the petitioners, the informant and the State.

The allegation against the petitioners is that both the petitioners, in collusion with each other, got executed a sale deed

dated 02.07.2010 from petitioner no.1, so called daughter of Wakil Mian.

On behalf of the petitioners, it has been submitted that in respect to the land, in question, i.e. Khata No. 85, Survey Nos. 765 and 794 and Khata No. 92, survey No. 574, Title Suit No. 484 of 2008 is pending before the court below between the petitioner no.2 and the informant. Thereafter in respect of the same piece of land a sale deed was executed by petitioner no.1 in favour of petitioner no.2 in the year 2010. Thereafter the present complaint was filed in the year 2013 in respect of the same piece of land. It has further been submitted on behalf of the petitioners that no criminal offence is being made out. It is obvious that it is a case of civil litigation between the parties.

Heard learned counsel for the informant, who has vehemently opposed the bail application on behalf of the petitioners and submitted that a fraud and cheating has been committed on behalf of the petitioners.

Counsel for the State has also vehemently opposed the bail application of the petitioners.

Considering the aforesaid facts and circumstances of the case and taking into account the fact that a civil suit, between the parties, is pending before the court below, let the petitioners,

named above, in the event of their arrest or surrender in the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Sri S.Ranjan, learned Judicial Magistrate, 1st Class, Gopalganj, in connection with Complaint Case No. 833 of 2013,Trial No. 2631 of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Sudhir Singh, J)

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