

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49472 of 2014

Arising Out of PS.Case No. -49 Year- 2014 Thana –BODH GAYA District- GAYA

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1. Sajjad, Son of Md. Nezamuddin, Resident of Godown Road, Bazar, P.S- Bodha Gaya, Distt. - Gaya.
 2. Md. Rizwan, Son of Muslim Mian, Resident of Mohalla Jora Masjid Manpur, P.S. - Buniyadganj, Distt. - Gaya.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Rashid Izhar, Advocate
Mr. Sharad Shekhar, Advocate
Mr. Ambrish Kumar, Advocate
For the Opposite Party : Mr. Ajay Kumar Jha (APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 14-05-2015 Heard learned counsel for the petitioners and the

learned counsel for the State.

The petitioners are apprehending their arrest in connection with Complaint Case No.736 of 2013, on the basis of which Bodh Gaya P.S. Case No.49 of 2014 has been registered, for allegedly having committed the offences under Sections 147, 148, 149, 341, 323, 307, 386 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioners submits that Petitioner No.1 is the legal heir of one Fazlu Rahman, who, it is said, has given an oral gift to the complainant/informant.



Learned counsel for the petitioners further submits that, in fact, the complainant/informant is claiming the said lands, which have been inherited by petitioner no.1 and his father from said Fazlu Rahman, which formed the subject-matter of dispute. It is submitted that petitioner no.2 is the cousin brother from his mother's side and has no role whatsoever to play. However, only with an intention to grab the property, the informant had lodged the present case making false and malicious allegations against these petitioners, though there has been no such incident relating to firing by these petitioners and creating of document, as has been alleged in the complaint petition. It is further submitted on behalf of the petitioners that the father of petitioner no.1 has filed Title Suit No.69/2013/339/2013 and also Title Suit No.310 of 2013, which is pending in the court of Principal Sub-Judge 1st and Civil Judge, 1st, Gaya respectively, for resolving the disputes between the parties.

Considering the nature of allegations and also the fact that no case under Section 307 of the Indian Penal Code seems to have been made out as per the allegation and that there has been no firing so as to directly hit the informant, let both the above named petitioners, in the event of their arrest or surrender before the court below within a period of three weeks from the

date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya, in connection with Bodh Gaya P.S. Case No.49 of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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