

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 40109 of 2014

Arising Out of PS.Case No. -74 Year- 2013 Thana -BARBIGHA District- SHEIKHPURA

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Md. Sanjar @ Md. Sanjar Hussain, Son of Late Md. Abdul Ghafoor,
Resident of Mohalla - Faizabad, P.S. - Barbigha (Mission O.P.), District –
Sheikhpura.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

2 16-04-2015

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

The petitioner apprehends arrest in Barbigha
(Mission O.P.) P.S. Case No. 74 of 2013 dated 04.04.2013
instituted under Sections 420/120B of the Indian Penal Code.

Learned counsel for the petitioner submits that
for a sale deed executed by the petitioner along with his
brother and mother in the year 2005, a police case was
instituted in the year 2013 i.e., after eight years alleging that
when the informant went to the piece of land for making
construction on the land which was duly registered in the
name of his wife, the people of the locality objected saying that
it was a 'Gairmazarua Aam' land. Learned counsel submits
that the land was in possession of the family of the petitioner
on the basis of 'Hukumnama' executed by the ex-landlord and
in any view of the matter, the case being of civil nature, the

criminal case is an abuse of the process of law. Learned counsel also draws the attention of the Court to Anenxure-5, which is a copy of the order dated 19.11.2013 passed in Cr. Misc. No. 28212 of 2013, by which other two co-accused i.e., brother and mother of the petitioner have been granted anticipatory bail by a coordinate Bench of this Court. Learned counsel further submits that the petitioner has no criminal antecedent.

Learned A.P.P. opposes the prayer for anticipatory bail.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sheikhpura in Barbigha (Mission O.P.) P.S. Case No.74 of 2013, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure, 1973. The petitioner shall cooperate in the trial and be present before the Court on each and every date. Failure to cooperate or appear on two consecutive dates, without sufficient cause, shall lead to cancellation of his bail bonds.

(Ahsanuddin Amanullah, J.)

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