

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46086 of 2015

Arising Out of PS.Case No. -26 Year- 2015 Thana -BARARI District- KATIHAR

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1. Bibi Sahenoor Khatoon @ Bibi Sahnoor W/o Abdul khalique,
2. Bibi Raziya Khatoon @ Bibi Raziya W/o Md. Nasim,
3. Bibi Sabina Khatoon, W/o Male Kastur,
4. Abdul Khalique @ Abdul Khalek S/o late Luthu
5. Male Kastur @ Md. Male Kastur, S/o late Luthu All resident of village -
Durgapur, P.S. - Barari, District - Katihar.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sanjay Singh

For the Opposite Party/s : Mr. Dinesh Singh(App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 04-11-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under sections 420, 467, 120B of the Indian Penal Code and that the petitioners being purchasers of the land from the daughter of the informant, and that the allegation in fact of getting a false sale deed executed by describing the informant to be dead, by itself will give a look of out and out civil dispute. As a matter of fact when the informant has already filed civil suit, this Court would find that the petitioners will be entitled for privilege of anticipatory bail.

That being so, if the petitioners, namely, 1. Bibi Sahenoor Khatoon @ Bibi Sahnoor, 2. Bibi Raziya Khatoon @ Bibi Raziya,



3. Bibi Sabina Khatoon, 4. Abdul Khaliq @ Abdul Khalek and 5. Male Kastur @ Md. Male Kastur, surrender before the court below within a period of four weeks from today, they shall 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 the Chief Judicial Magistrate, Katihar in Katihar, Barai P.S.Case No. 26/2015, subject to the following conditions:

(i) That both the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how they are related with the petitioners. The bailors will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the bailor shall also state on affidavit that he will inform the Court concerned if the petitioners are implicated in any other case of similar nature after their release in the present case and thereafter the Court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

(iii) That the petitioners will give an undertaking that they will receive the police papers on the given date and be present on the date fixed for charge and if they fail to do so on two given dates and delay the trial in any manner,

their bail will be liable to be cancelled for reasons of misuse.

(iv) That the petitioners will be well represented on each and every date of trial and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

surendra/-

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