

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13998 of 2016

Arising Out of PS.Case No. -56 Year- 2014 Thana -HARSIDHI District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Nashiruddin Mian son of Late Noor Mohammad Mian,
 2. Bibi Amna Khatoon @ Bibi Aakla Khatoon @ Bibi Amna Khanu @ Bibi Aakla Khanu wife of Jahoor Mian
 3. Watoolan Khatoon @ Batoolan Khatoon wife of Ramjan Mian
 4. Hadishan Khatoon @ Hashidan Khatoon wife of Kamruddin Mian
 5. Sajjad Hussain son of Kishmat Mian, All residents of Village- Chandrahiya, P.S.- Harsidhi, District- East Champaran.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Abhishek Kumar

For the Opposite Party : Mr. P.K.Pandey(App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 11-04-2016 Heard learned counsel for the petitioners and learned Additional
Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Harsidhi P.S.Case No.56 of 2014, disclosing offences under Sections 420, 423, 419, 468, 467 and 120-B of the Indian Penal Code.

The allegation is that during the pendency of Title Suit No.23/55 instituted by the informant, which was finally decreed in favour of the informant, one Kamartulla Miyan fraudulently executed a gift of deed in favour of his daughter Saimul Nisha. It is further alleged that after the death of said Saimul Nisha, her husband Nashiruddin Miyan (petitioner no.1) executed sale deed



in favour of Bibi Amna Khatoon (petitioner no.2), Watoolan Khatoon (petitioner no.3) and Hadisan Khatoon (petitioner no.4). Petitioner no.5 Sajjad Hussain is said to be the witness of the said sale deed executed by petitioner no.1. Learned counsel for the petitioners has submitted that there is apparently a civil dispute between the petitioners and the informant. He further submits that considering the nature of dispute, there is no chance of petitioners tampering with the evidence.

Learned counsel appearing on behalf of the informant has vehemently opposed the prayer for anticipatory bail and has submitted that considering the conduct of the petitioners they do not deserve anticipatory bail.

However, considering the facts and circumstances in its totality, I consider it to be a fit case for grant anticipatory bail.

Let the petitioners, abovenamed, in the event of their arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of **learned Chief Judicial Magistrate, Motihari, East Champaran**, in connection with **Harsidhi P.S.Case No.56 of 2014**, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present before the police/Court, as the case may be, as and when required and in the

event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

B.Kr./-

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