

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17968 of 2016

Arising Out of PS.Case No. -337 Year- 2014 Thana -GAYA COMPLAINT CASE District- GAYA

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1. Rehana Khatoon wife of Sri Nasim Akhtar
 2. Sarwar Imam son of Late Muzaffar Imam resident of Mohalla - Haji Yusuf Lane, Karimganj, P.S. - Civil Lines, District - Gaya.
 3. Jamid Akhtar son of Nasim Akhtar
 4. Nasir Moazzam @ Babloo son of Sri Nasim Akhtar All are residents of Mohalla - Karimganj, Delha Gushal Khana Road, Gumti No. 2, P.S. - Civil Lines, District - Gaya.
 5. Tej Narain @ Tej Narain Singh son of Shiv Shankar Singh (Tax Collector) Gaya Nagar Nigam R/o Mohalla - Bageshwari, P.S. - Delha, District - Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Nasim Akhtar son of Late Habib resident of Mohalla - Karimganj, Gumti No. 2, Delha, Gushal Khana Road, P.S. - Civil Lines, District - Gaya.

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Thakur
		Mr. Ishtiyaque Ahmad
For the Complainant	:	Mr. Baxi S.R.P. Sinha, Sr. Advocate
For the Opposite Party/s	:	Mr. Ram Chandra Singh (App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 19-05-2016 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

Petitioner No. 1 is the wife of the complainant, petitioner No. 2 is the deed writer, petitioner 3 and 4 are sons of the petitioner No.1 who apprehend their arrest in connection with a case registered for the offences punishable under Sections 420/467/468 of the Indian Penal Code.

Learned counsel for the petitioner submits that the allegation

against these petitioners is that they by virtue of a forged Heba had taken possession of the property and such property was also sought to be mutated in their names.

Learned counsel appearing on behalf of the complainant submits that a forgery had been committed by the petitioner in league with the other petitioners and, as such, he had been ousted from his house and the forgery had been committed not only in the document of Heba but also in the service report of the mutation proceedings. As such, he submits that the petitioners being participants of such a fraudulent act may not be extended the privilege of anticipatory bail.

After hearing learned counsel for the petitioners and learned counsel for the complainant as well as learned Additional Public Prosecutor for the State, it appears that the present dispute and the complainant case which has followed thereafter, is but in the nature of a family dispute and such deeds if at all created should be repudiated in a Court of competent jurisdiction.

In view of such facts and circumstances, let the petitioners above named, in the event of their arrest / surrender within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged 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 Judicial Magistrate, 1st Class, Gaya
in connection with Complainant Case No. 337/2014, subject to the
conditions as laid down under Section 438(2) of the Cr. P.C.

(Anjana Mishra, J)

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