

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.17583 of 2016

Arising Out of PS.Case No. -286 Year- 2014 Thana -HAJIPUR SADAR District-
VAISHALI(HAJIPUR)

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Birendra Paswan son of Ram Bilash Paswan Resident of village -
Salimabad Phulhara, P.S. - Hajipur Sadar, Dist. - Vaishali.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the Opposite Party/s : Mr. Narendra Kr.Singh(APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 28-04-2016

Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner apprehends his arrest in connection with
Hajipur Sadar P.S. Case No. 286 of 2014 registered for offences
punishable under Sections 465, 467, 468, 471, 419 and 420/34 of
the Indian Penal Code.

The prosecution case is that the informant alleged that
the petitioner, who was looking after his land, got the sale deed
executed in favour of one Malti Devi by misleading his mother.

It has been submitted by the counsel for the petitioner
that the sale deed was executed on 10.09.2001, but the mother of
the informant never raised any objection and with regard to the
land in question, Title Suit No. 1228 of 2013 has been filed by one
Shamsher Ali Khan. It has been submitted that the petitioner has
no criminal antecedent and he was simply looking after the affairs

of the said land. It has further been submitted that one Malti Devi in whose favour the sale deed was executed by the mother of the informant has since been granted the privilege of anticipatory bail by a Coordinate Bench of this Court in Cr. Misc. No. 6185 of 2015 on 16.02.2015.

However, learned A.P.P. for the State submits that the petitioner was assigned by the informant to look after his land and is named in the First Information Report, hence, opposes the prayer for bail.

Considering the aforesaid fact as also the fact that the sale deed was executed in the year 2001, but First Information Report has been lodged in 2014 and the mother of the informant never raised objection, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand only) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 286 of 2014, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

(Nilu Agrawal, J.)

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