

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.5218 of 2016

Arising Out of PS.Case No. -165 Year- 2014 Thana -VAISHALI District- VAISHALI(HAJIPUR)

1. Sonu Ahmad son of Saiyad Md. Firoj Ahmad, resident of village-  
Paharpur, P.S. & District- Vaishali

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anish Chandra

For the Opposite Party/s : Mr. D.P. Tiwary (App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL  
ORAL ORDER

3 29-02-2016 Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

The petitioner apprehends his arrest in connection with  
Vaishali P.S.Case No. 165/2014 registered for offences punishable  
under sections 193, 198, 200, 420, 467, 468, 471, 120 (B) read  
with 34 of the Indian Penal Code.

The prosecution case was initially registered as a  
complaint case which was referred to the police under Section 156  
(3) of the Cr. P. C. The prosecution story is that one Ajibun Nisha,  
mother of complainant died on 21.12.2011, leaving behind three  
sons including the petitioner and one daughter (complainant).The  
land of the complainant situated in Thana No. 83, village-  
Paharpur, Jamabandi No. 81, 139 and Thana No. 81, village

Chakdariya Jamabandi 49/8 was in the name of the mother of complainant in which the complainant also has her share. It is further alleged that all the three brothers made conspiracy with each other in order to grab share of the complainant and got the land mutated in their favour with connivance of revenue authorities showing her to be dead.

It has been submitted by the learned counsel for the petitioner that he is the brother of the informant and the nature of dispute is civil in nature. Moreover, Title Partition suit No. 42/2015 is going on between the parties in respect of the property in dispute. It has further been submitted that the petitioner has no criminal antecedent and has been falsely implicated in the aforesaid case. It has been also submitted that a Co-ordinate Bench of this Court has already been granted privilege of anticipatory bail some of the co-accused in Cr. Misc. No. 50910/2014 dated 26.08.2015 on similar allegations.

However, learned A.P.P. for the State submits that the petitioner along with the other co-accused has got the land of the complainant's mother mutated in his favour and opposes the prayer for bail.

Be that as it may, since some of the co-accused has already been granted the privilege of anticipatory bail being

similarly placed, let the above named petitioner, Sonu Ahmad, 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 bonds of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Vaishali P.S.Case No. 165/2014, subject to the conditions as laid down under Section 438(2) of the Cr. P. C.

**(Nilu Agrawal, J)**

Sudha/-

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