

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14519 of 2016

Arising Out of PS.Case No. -441 Year- 2015 Thana -LAHERIASARAI District- DARBHANGA

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1. Rampukar Paswan S/o Late Ganaur Paswan
 2. Md. Rizwan @ Raja S/o Late Md. Reza, Both R/o Mohalla- Ekmi Ghat, P.S.- Bahadurpur, District- Darbhanga

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Parmeshwar Mehta(APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 28-04-2016 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Petitioners apprehend their arrest in connection with
Laheriasarai P.S. Case No. 441 of 2015 registered for offences
punishable under Sections 406, 420, 467, 468 and 471 of the
Indian Penal Code.

The prosecution case, in brief, is that informant
purchased one katha land and in lieu thereof paid consideration
money of Rs. 9,60,000/- to Md. Rizwan, who gave it to land
owner, Md. Anas. Later, it was found that real name of Md. Anas
is Md. Jiyaul Haque and is not the land owner and thereby he
cheated the informant.

It has been submitted by the counsel for the petitioners



that main allegation is upon one Md. Anas, who is alleged to be an imposter fabricating his identity and PAN card, but the petitioners have no hand in dealing the said land as consideration money was paid to one Md. Anas. It has further been submitted that these petitioners are external to the transaction and the First Information Report has been lodged after inordinate delay of about 11 months from the alleged date of occurrence and the petitioners have no connection with the transaction between the informant and one Md. Anas.

However, learned A.P.P. for the State submits that the petitioner no.2 has criminal antecedent and are named in the First Information Report and hence, opposes the prayer for bail.

Be that as it may, let the petitioners, above named, in the event of their 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 only) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Darbhanga in connection with Laheriasarai P.S. Case No. 441 of 2015, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

However, it is made clear that a number of cases are pending against petitioner no.2, Md. Rizwan @ Raja, as such, if in

future, he is found to have indulged in similar nature of offence,
learned court below will be at liberty to cancel his bail bond
without being prejudiced by this order.

(Nilu Agrawal, J.)

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