

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45663 of 2016

Arising Out of PS.Case No. -41 Year- 2016 Thana -SHEKHPURA COMPLAINT CASE District-
SEKHPURA

- =====
1. Ahmed Hussain @ Hussain Ahmed, son of Late Ashique, resident of village-Jumara, P.S. and District-Sheikhpura.
 2. Rajendra Kumar Vishwakarma alias Rajendra Vishwakarma, son of Late Aklu Vishwakarma, resident of village-Girihinda, P.S. and District-Sheikhpura.
 3. Opendra Thakur alias Upendra Thakur, son of Late Vilayti Thakur alias Prayag Thakur, resident of village-Aijehi, P.S. Korma, District-Sheikhpur at present resident of District Registration Office, Sheikhpura, P.S. and District-Sheikhpura.
 4. Nishat Fatima, daughter of Late Md. Wasim.
 5. Nasrin Fatima, daughter of Late Md. Wasim.
 6. Shahin Fatima, daughter of Late Md. Wasim.
 7. Bibi Wahida Khatoon alias Wahiuda Khatoon, wife of Late Md. Wasim.
4 to 7 are resident of Santar Mistri Line, Old Karimganj, P.S. Civil Line, Gaya, District-Gaya.
 8. Md. Masood Manzar alias Masood Manjar, son of Late Md. Idris, resident of Panchayati Akharha, P.S. Civil Line Gaya, District-Gaya.
4 to 8 are resident of Katani Kal, P.S. and District-Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Saiyad Umardaroz, son of Late Abu Mozaffar, resident of Katnii Kal, P.S. and District-Sheikhpura.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 13-12-2016 At the very outset learned counsel for the petitioners submits that the petitioner no.2, above named, has already been arrested by the police in the case and seeks permission to withdraw this application in respect of the petitioner no.2, above



named.

Permission is accorded.

Accordingly, this application in respect of the petitioner no.2, above named, is dismissed as withdrawn.

Now, only the prayer of the petitioner nos.1, 3, 4, 5, 6, 7 and 8, above named for grant of anticipatory bail is being considered.

Heard

The petitioner nos.1, 3, 4, 5, 6, 7 and 8 apprehend their arrest in connection with Complaint Case No.41C of 2016 registered under Sections 420, 467, 468, 471, 469/34 and 120B of the Indian Penal Code.

The allegation of the complainant Md. Saiyed Umardaraz is that he purchased 16 dismal of land of Khasra No.537 of Khata No.20 of village-Katani Kal from Aaysa Khatoon, wife of Late Abu Akhtar, resident of village-Katani Kal, P.S. District-Sheikhpura on 18.07.1983 and, thereafter, he came in possession over the said land. On 08.01.2016, in the evening at about 05.00 P.M., he came to know that out of 16 dismal of the aforesaid land, 14 dismal of land has been purchased by the accused under conspiracy, then he went to the Registration Office, Sheikhpura, and came to know that accused nos.2 and 3 Jamal Ahmad and



Praveen Fatima respectively sold the 14 dismal land to accused nos.9 to 13, namely, Ramgopal Prasad, Kiran Devi, Shailendra Kumar, Vikky Anand and Namita Devi respectively. Accused Nos.15 and 16, namely, Ashok Tiwary and Abu Fatah respectively put their signatures as witnesses to the sale deeds, which was drafted by accused no.18/petitioner no.3 Opendra Thakur. Other accused/ petitioners also told him that they will take benefit after selling the land.

Submission on behalf of the aforesaid petitioners is that no specific overt act is attributed to the petitioner nos.1, 4, 5, 6, 7 and 8 and the only allegation against the petitioner no.3 is that he drafted the sale deeds under conspiracy with the other accused. Further submission is that the dispute, as alleged in the complaint petition, is civil in nature and the complainant has also filed Title Suit No.17 of 2016, which is pending in the court of Sub Judge, Sheikhpura.

Having considered the facts and the circumstances of the case, let the petitioner nos.1, 3, 4, 5, 6, 7 and 8, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief



Judicial Magistrate, Sheikhpura, in connection with Complaint
Case No.41C of 2016, subject to the conditions laid down under
Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

P.S./-

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