

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31278 of 2016

Arising Out of PS.Case No. -148 Year- 2016 Thana -BIHARSHARIF District- NALANDA
(BIHARSHARIFF)

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1. Md. Shahabuddin Ansari son of late Lal Mohammed Ansari, resident of Mohalla Pakki Talab, P.S. Laheri, District Nalanda, At present at Government Quarters D.M. Colony, Bihar Sharif, District Nalanda.

.... Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Mahmood Alam

For the Opposite Party/s : Mr. Smt Renu Kumari

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 08-09-2016 Heard learned counsel for the petitioner and learned counsel representing the State.

The petitioner seeks bail in connection with Bihar P.S. Case No. 148 of 2016 registered for the offences punishable under Sections 467, 468, 471, 420/34 of the Indian Penal Code.

On behalf of the petitioner it is submitted that the petitioner has purchased the land in the year 1991 through registered sale deed dated 06.07.1991 whereas the informant has purchased the said land on 13.08.2015, title suit is going on between the parties, the dispute is purely of civil nature and in spite of that the petitioner is suffering in custody since 02.06.2016. The petitioner is in Govt. Service and there is no chance of tampering with prosecution evidence and as such he deserves sympathetic consideration to which learned APP duly assisted by

learned counsel for the informant opposes by submitting that the petitioner cheated the informant, got the sale deed executed in his favour by his wife though earlier he has already got the sale deed executed from his wife in his favour and only with a view to grab the money got transferred the land in the name of the informant through his wife and now he wants to disturb the possession of the informant.

In the facts and circumstances stated above, considering the dispute to be of civil nature and further considering the period of detention, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bihar Sharif (Nalanda) in connection with Bihar P.S. Case No. 148 of 2016, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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