

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.32236 of 2016

Arising Out of PS.Case No. -60 Year- 2016 Thana -PHULWARIA District- GOPALGANJ

1. Mo. Alam @ Mahammad Alam son of Late Quamuddin Ansari Resident of Village- Songarhwa (Sripur o.p.) Police Station- Fulwaria, District- Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh

For the Opposite Party/s : Mr. Sri Dilip Kumar

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER**

2 29-08-2016 Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Fulwaria Police Station Case No. 60 of 2016, disclosing offences under Sections 420/467/471/474/120B/220B/34 of the Indian Penal Code.

The petitioner and the informant are full brothers.

It is alleged against the petitioner that using his alias name, he has got the land of the informant's share mutated in his name. Learned Counsel for the petitioner submits that it is evident from the First Information Report that property dispute between two full brothers is the

reason behind lodging of the First Information Report. He has also submitted that since the allegations, which have been made against the petitioner, are based on documents, there is no chance of the petitioner tampering with the evidence or influencing the witnesses.

Learned Counsel appearing on behalf aof the informant has vehemently opposed the prayer for bail and has submitted that the petitioner has created a fictitious person and considering the nature of accusation, he should not be given the privilege of anticipatory bail.

Be that as it may, considering the facts and circumstances and rival submissions, as noted above, this application is allowed.

Let the petitioner, Md. Alam @ Mahammad Alam, in the event of his arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate XIII, Gopalganj, in connection with Fulwaria Police Station Case No. 60 of 2016, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as

the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

Prabhakar Anand/-

(Chakradhari Sharan Singh, J.)

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