

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29582 of 2016

Arising Out of PS.Case No. -78 Year- 2016 Thana -ARWAL District- JEHANABAD

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1. Sheikh Md. Ansari S/o Sheikh Amirudin
 2. Md. Merajuddin @ Babey @ Merajuddin S/o Sheikh Md. Ansari
 3. Naj Ahmad @ Mugal S/o Sheikh Md. Ansari
 4. Dr. Md. Qanoon Ahmad @ Dr. Md. Kanun Ahmad S/o Sheikh Md. Ansaib
 5. Sarur Ahmad @ Laddu S/o Sheikh Md. Ansari
 6. Kaifi Azam @ Soni S/o Sheikh Md. Ansari
 7. Baby, D/o Sheikh Md. Ansari
 8. Saba Ahmad, W/o Md. Aquib
 9. Heena Kaushar @ Heena Khatoon, D/o Sheikh Md. Ansari
- All are residents of Village - Arwal Sipah Shahi, P.S. - Arwal, District - Arwal.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s	:	Mr. Krishna Pd. Singh, Sr. Advocate Mr. Bhaskar Shankar, Advocate
For the State	:	Mr. Subhash Chandra Mishra, A.P.P.
For the Informant	:	Mr. Tej Bahadur Singh, Sr. Advocate Mr. Navendu Kumar, Advocate

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 30-08-2016 Heard learned counsel for the petitioners, the State and the informant.

The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 420, 406, 465, 468, 504 and 120 (B) of the Indian Penal Code.

It is contended that petitioner no.1 had sold plot no.593 which was not transferred in favour of the mother of the



informant, therefore, no fraud has been committed by him. It is further urged that the informant, earlier to institution of the FIR, had already filed Title Suit No.25/2016 for declaration that the sale deed executed by the petitioner no.1 is null and void and not binding upon him and also for declaration of possession over the land as per the boundary stated in Plot No.590 sale deed executed in favour of the mother of the informant and had already sought permanent injunction.

Per contra, learned counsel for the informant has submitted that the petitioners stood as witnesses in 1977 sale deed which was executed by the wife of petitioner no.1 in favour of the informant's mother stating therein that Plot No.590 was being transferred but actual boundary shown was regarding Plot No.593, therefore, petitioner no.1 could not have sold Plot No.593 which was in actual possession of the informant.

On the aforesaid, it is stated on behalf of the petitioners that the issue is already before the civil court of competent jurisdiction and, thus, the case being a civil nature, the petitioners deserve for privilege of anticipatory bail.

Having regard to the facts and circumstances of the case, let the petitioners above-named be released on bail in the event of their arrest/surrender before the court below within a

period of six weeks from today in connection with Arwal P.S. Case No.78 of 2016, on furnishing bail bonds of Rs.10,000 (Ten Thousand Rupees) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Arwal subject to the conditions as laid down under sub-section (2) of Section 438 of the Code of Criminal Procedure.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

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