

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43026 of 2014

Arising Out of PS.Case No. -90 Year- 2013 Thana -ALAMGANJ District- PATNA

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Md. Mustafa, S/O Late Md. Sakin, resident of village- Mahuli, Patna City,
P.S.- Athamalgola, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Sudhir Kumar, son of Sri Raj Kumar Prasad, resident of mohalla-Rai
Hasan Peer Chai Tola, P.S.-Kadamkuan, P.O.-Bankipur, District-Patna-4.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kuber Pathak
For the Opposite Party/s : Mr. Manish Kr. 2(APP)

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 07-04-2017 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case
registered for the offences punishable under Sections 420, 406,
341, 323 and 379 of the Indian Penal Code.

The petitioner was holder of power of attorney with
authority to sell certain land of Bindla Devi. The allegation is that
the petitioner entered into an agreement with the complainant to
sell the referred land which was subject matter of power of
attorney. However, in the meantime, Bindla Devi has cancelled
the power of attorney in favour of the petitioner.

Submission of the petitioner is that since power of



attorney was cancelled by the executant, the petitioner was helpless to transfer that land.

The matter appears to be of civil dispute. Hence, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Patna City /Successor Court in connection with Alamganj P.S. Case No.90 of 13, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and subject to the further condition that petitioner shall fully cooperate with the investigation and trial of the case, failing which the Court below shall be at liberty to take steps for cancellation of the bail bonds of the petitioner in this case.

Arvind/-

(Birendra Kumar, J)

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