

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30988 of 2017

Arising Out of PS.Case No. -1004 Year- 2015 Thana -SAHARSA District- SAHARSA

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1.ABDUL QHAW @ ABDUL OHAW
2. Md. Ful Hassan@ Md. Phool Hasan
3. Abdul Mohammad@ Sattar
4. Lal Mohammad, all are son of Md. Noor Mohammad
5. Md. Akhtar @Md. Akhar, S/o- Mohiuddin, R/o- Village-Samani, P.S.-
Mahisi, District- Saharsa.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha, Advocate

For the Opposite Party/s : Mr. Sri Rana Randhir Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 03-08-2017

Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Saharsa Sadar P.S.

Case No. 1004 of 2015 arising out of G.R. No. 3440 of 2015
instituted for the offence under Sections 420, 467, 468, 471, 459,
504 and 120(B) of the IPC.

It has been submitted on behalf of the petitioners that
they are purchasers of land from the father of the complainant and
his three uncles and after purchase of the land their names have
already been mutated.

It is alleged in the complaint application that the father
of the complainant died on 01.09.1997. The accused persons
created five forged sale deed on 15.05.1998 and registered on



23.05.2000.

The counsel for the petitioners has submitted that those documents have been signed by Sri Sushil Kumar Singh, father of the complainant and his three uncles. He further submits that the death certificate, which has been filed by the complainant has not yet been verified.

In such circumstances, on perusal of the allegation made in the complaint petition against these petitioners, this court is of the view that the dispute is of civil nature. Civil remedy is available to the complainant.

Accordingly, the prayer for anticipatory bail is allowed and it is ordered that the petitioners named above, in the event of their arrest or surrender in the court below within four weeks from the date of receipt/productin of copy of this order, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each in connection with Saharsa Sadar P.S. Case No. 1004 of 2015 arising out of G.R. No. 3440 of 2015 to the satisfaction of learned Chief Judicial Magistrate, Saharsa subject to condition as laid down u/S 438 (2) of the Cr. P.C. with further conditions (bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial



and shall be present on each and every dated fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bonds of the petitioners and (3) if the petitioners tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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