

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46042 of 2017

Arising Out of PS.Case No. -208 Year- 2017 Thana -NATHNAGAR District- BHAGALPUR

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1. Md. Fakre Alam @ Fakre Alam, Son of Late Md. Ali resident of Village- Narga Bazar, P.S.- Nathnagar, District- Bhagalpur.
 2. Sushil Ram, Son of Late Muni Lal Ram, resident of Village Narga Bazar, P.S. Nathnagar, District- Bhagalpur.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Anant Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 09-10-2017 Heard learned counsel for the petitioners, learned Additional Public Prosecutor for the State and learned counsel for the informant.

The petitioners seek pre-arrest bail in connection with Nathnagar P. S. Case No. 208 of 2017 registered under Sections 468, 471, 420 and 506 of the Indian Penal Code.

It is contended by the learned counsel for the petitioners that the petitioner no. 1 and the informant are descendants of common ancestor. The informant is none else cousin brother of the petitioners. He contended that in respect of the land in question a civil suit bearing Title Suit No. 349 of 2017 has already been filed in the court of Sub-Judge-1, Bhagalpur in which the informant has been made the defendant. He contended that the entire allegations made in the FIR are



false and frivolous.

Opposing the application for grant of anticipatory bail to the petitioners, learned counsel for the informant submitted that the petitioner no. 1 had got forged *hibbanama* on the strength of forged signature of the informant. He submitted that there are certain other cases also against petitioner no. 1 and he does not deserve the privilege of anticipatory bail.

Learned counsel for the State has adopted the submission made by the learned counsel for the informant.

Considering the nature of dispute as also the fact that a civil suit between the parties in respect of land in question is already pending, in the event of arrest or surrender before the court below within six weeks from today, the petitioners named above are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-I, Bhagalpur in Nathnagar P. S. Case No. 208 of 2017, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J.)

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