

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6227 of 2017

Arising Out of PS.Case No. -1 Year- 2016 Thana -SHEIKHOPUR SARAI District- SEKHPURA

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1. Md. Islam, Son of Late Sirajul Huque,
 2. Md. Kashim, Son of Late Alim,
 3. Sarjug Dhanuk, Son of Bisheswar Dhanuk,
 4. Binod Kumar, Son of Kesho Mahto,
 5. Md. Raju Son of Kashim.
 6. Md. Sultan Ahmad @ Sultan Ahmad, Son of Late Md. Matin All resident of Village- Asthana, P.S. Shekopur Sarai, District- Sheikhpura.
 7. Md. Moien Uddin @ Moien, Son of Md. Didaran.
 8. Md. Fayaz Rahat @ Md. Faiyaj, Son of Moien Uddin, Both are resident of Village- Maksudpur, P.S.Asthamba, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kharun Nisha, Late W/o Habibullah, resident of Village- Asthana, P.S. Shekopursarai, District- Sheikhpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satish Kumar
For the Opposite Party/s : Mr. Sri Anand Kishore Choudhary
For the Informant : Mr. Najmul Hodda

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 16-02-2017 The petitioners are apprehending their arrest in connection with Shekopur Sarai P.S. Case No. 01 of 2016, registered for offences punishable under Sections 420, 406, 467, 468, 471, 120(B) and 34 of the Indian Penal Code.

It has been submitted on behalf of the petitioners that this is out and out a case of civil dispute, for which a title suit bearing Title Suit No. 26/09 is already pending and as such filing of the present case is nothing but an abuse of process of Court.



Heard learned A.P.P. and learned counsel for the informant. Learned counsel for the informant has submitted that during the pendency of the above title suit, the petitioners have sold the land and therefore, he may not be granted the privilege of bail

Having heard both sides, in view of the fact that a title suit is going on between the parties and if the petitioners have done anything wrong, the informant is at liberty to bring the same into the notice of concerned court, in which the title suit is pending.

In such view of the matter, let the petitioners above named, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 25,000 (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned CJM, Sheikhpura in connection with Shekopur Sarai P.S. Case No. 01 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the



concerned Court.

- (ii) The petitioners shall cooperate in the investigation and make themselves available as and when required by the police and on the event of failure on their part two appear before the police on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of their bail bonds.

(Vinod Kumar Sinha, J)

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