

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43694 of 2017

Arising Out of PS.Case No. -128 Year- 2017 Thana -MADHEPURA District- MADHEPURA

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1. Md. Wasiur Rahman,
2. Md. Jamiur Rahman @ Md. Jamilur Rahman, Both sons of Late Shafiur Rahman, Both resident of Madhepura, Masjid Chowk, Police Station & District- Madhepura.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Md. Shahab Khalil, Advocate

For the Opposite Party/s : Mr. Sri Chandra Bhushan Prasad

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 21-09-2017 Heard both sides.

Petitioners apprehend their arrest in Madhepura P.S. Case No.128 of 2017 under Sections 406, 420, 467, 468 and 471 of the Indian Penal Code.

The informant earlier filed Complaint Case No.649 of 2017 on the basis of which the present F.I.R. was lodged. The informant was earlier filed Title Suit No.113 of 1943 in the court of Munsif in which the ancestor of the petitioners and others filed petition stating therein that they have got no title over the land but later on the petitioners and other accused persons executed fraudulent sale deeds.

Learned counsel for the petitioners submits that the informant filed Title Suit No.355 of 2015 for setting aside the sale



deed executed by the petitioners and others. The petitioners have already filed W.S. The petitioners are also claiming title over the land as the land was standing in the name of ancestor of the petitioners. Similarly situated five accused persons have been granted anticipatory bail vide order passed in Cr. Misc. No.41771 of 2017. The case of the petitioners stands on the same footing.

On the other hand, the learned Additional P.P. as well as learned counsel for the informant vehemently opposed the prayer of the petitioners for anticipatory bail.

Considering the facts aforesaid and nature of allegation made against the petitioners, it appears that the informant and others filed suit for setting aside the same sale deed for which the informant filed the present case and similarly situated co-accused have already been granted anticipatory bail, petitioners above named, in the event of their arrest or surrender before the court below within four weeks from today, are directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Madhepura in connection with Madhepura P.S. Case No.128 of 2017, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J)

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