

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.21151 of 2017

Arising Out of PS.Case No. -363 Year- 2016 Thana -ARARIA District- ARARIA

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1. Md. Suleman @ Suleman, S/oLate Quamruddin
 2. Md. Shamsad, S/o Md. Suleman @ Suleman
 3. Abdur Rahman, S/o Late Quamruddin
 4. Md. Firoz Alam @ Md. Feroz, S/o Abdur Rahman

All resident of village-Rampur Mohanpur, Tola Budhesri, P.S.-Araria
(Bairgachhi), District-Araria

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate

Mr. Md. Naushad Uzzoha, Advocate

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

For the Informant : Mr. Mukesh Kumar Rana, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 06-07-2017

Heard Mr. Krishna Prasad Singh, learned Senior Advocate for the petitioners, Mr. Sanjay Kumar, learned counsel for the State and Mr. Mukesh Kumar Rana, learned counsel for the informant.

The petitioners seek pre-arrest bail in connection with Araria P.S. Case No. 363 of 2016 registered for the offences punishable under Sections 420, 467, 468, 471, 406, 120-B, 323



and 504/34 of the Indian Penal Code.

It is stated by the learned Senior Advocate appearing for the petitioners that the case was initially instituted as a complaint, which was referred to the police under Section 156(3) of the Cr. P.C. It is stated that a civil dispute has been given a colour of criminal offence. It is further submitted that from the allegations made in the FIR, it would be evident that the ingredients of the offences alleged are not attracted in the present case.

On the other hand, learned counsel for the informant has vehemently opposed the prayer for grant of pre-arrest bail to the petitioners. He submitted that a wrong claim is being made by the petitioners over the land of the informant, which is coming in his possession since 1970.

Be that as it may, regard being had to the nature of allegation and the fact that the petitioners have got roots in the society and is not likely to flee from justice, they 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 Chief Judicial Magistrate, Araria in connection with Araria P.S. Case No. 363 of 2016 subject to the conditions as laid down under Section 438(2) of the Code of



Criminal Procedure, in the event of arrest or surrender within a period of six weeks from today.

(Ashwani Kumar Singh, J.)

Sanjeet/-

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