

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23848 of 2017

Arising Out of PS.Case No. -2958 Year- 2014 Thana -SIWAN COMPLAINT CASE District-
SIWAN

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Seraz Khan Son of Daroga Khan, Resident of Village- Tetaria, Police
Station- Hussainganj, District- Siwan.

.... Petitioner

Versus

1. The State of Bihar.
2. Mumtaz Ahmad, S/o Late Abdul Jabbar, Resident of Purani Quila, Chick
Toli, P.O. Siwan, P.S. Siwan Town, District- Siwan.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Raghav Prasad, Advocate.
For the Opposite Parties : Mr. Rajendra Singh Shastriji, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 14-07-2017 Heard both sides.

The petitioner apprehends his arrest in Complaint Case
No. 2958 of 2014 registered for the offences punishable under
Sections 420, 467, 468, 471 and 34 of the Indian Penal Code.

The complainant alleged that Ganesh Prasad,
Gyaneshwar Prasad and Abrar Alam executed the power of
attorney in favour of the complainant to look after a piece of land
and to execute a sale deed. The petitioner is the witness on power
of attorney. It is further alleged that the petitioner executed deed
with regard to the same land in favour of Rabeya Khatoon but
later on it transpired that the land is not free from all
encumbrances and the land does not belong to the accused who



executed the power of attorney.

Shri Raghav Prasad, learned counsel for the petitioner submits that the petitioner is simply a witness to the power of attorney and he did not persuaded the complainant to execute any deed. From perusal of the complaint, itself, it appears that the petitioner is only a witness to the power of attorney executed by Ganesh and two others.

Considering the facts aforesaid the petitioner above named in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Siwan in Complaint Case No. 2958 of 2014, Subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J.)

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