

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46006 of 2017

Arising Out of PS.Case No. -628 Year- 2016 Thana -KOTWALI District- PATNA

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Seraj Anwar, S/o Late Sirajuddin Ahmad, R/o 504, Shirf Apartment, Frazer
Road, P.S.Gandhi Maidan, Patna-800001.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Avanish Kumar Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 03-10-2017 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks pre-arrest bail in connection with
Kotwali P. S. Case No. 628 of 2016 registered under Sections
447 and 384 of the Indian Penal Code and Section 52 'A' of the
Waqf Property Act, 2013.

Learned counsel for the petitioner submitted that in
the first information report, there is no such act as Waqf
Property Act, 2013 containing Section 52 'A', but surprisingly,
the said section has also been applied to the FIR. He contended
that by Section 31 of the Wakf (Amendment) Act, 2013, a new
Section 52 A was inserted which stands repealed. He contended



that the petitioner is a builder of repute and runs a construction company in the name and style of Namira Construction (Pvt.) Ltd. He had not made any attempt to grab the Waqf property nor made any construction whatsoever.

Learned Additional Public Prosecutor for the State has opposed the application for grant of pre-arrest bail to the petitioner, but he conceded that there is no ingredient of Section 384 of the Indian Penal Code in the first information report.

Considering the submissions made by the parties, the petitioner named above is 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, Patna in Kotwali P. S. Case No. 628 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 before the court below within six weeks from today.

(Ashwani Kumar Singh, J.)

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