

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.13557 of 2017

Arising Out of PS.Case No. -251 Year- 2016 Thana -KHAJEKALA District- PATNA

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1. Khalilur Rahman @ Munna,
2. Shafiur Rahman alias Tunna
3. Haquiquir Rahman alias Guddu.
4. Atiqur Rahman alias Titu.
5. Shamimur Rahman alias Ritu,
All Sons of Mojibur Rahman alias Chhote Mian, residents of Mohalla
Kaath Ka Pul, Moghalpura, P.S. Khajekalan, District- Patna.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Syed Mojibur Rahman

For the Opposite Party/s : Mr. Sri Binod Kumar 3

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 26-04-2017 Heard learned counsel for the petitioners and learned
counsel representing the State.

Petitioners apprehend their arrest in connection with
Khajekalan P.S. Case No. 251 of 2016 registered for the offences
punishable under Sections 420 and 406 of the Indian Penal Code
and Section 52-A of Waqf Act, 1995.

Allegedly, the petitioners have forcibly occupied the land
of Siya Waqf Board and are running shop, in spite of that they are
not vacating the same.

Submission is of false implication and that no offence
under Sections 420 and 406 of the Indian Penal Code is made
out. There is remedy in Eviction Suit, criminal case is not at all



maintainable, the petitioners are poor shopkeepers and they are earning their livelihood by those shops and as such the petitioners deserve sympathetic consideration.

Learned APP opposes the prayer of pre-arrest bail.

In the facts and circumstances stated above, considering the nature of dispute, the petitioners, in case of their arrest or surrender within four weeks from the date of receipt/production of a copy of this order, shall be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Patna City in connection with Khajekalan P.S. Case No. 251 of 2016, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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