

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48203 of 2017

Arising Out of PS.Case No. -2829 Year- 2015 Thana -COMPLAINT CASE District- ARRARIA

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1. Md. Taiyab Alam
2. Md. Allauddin
Both sons of Late Hadish
3. Md. Murtaza, Son of Late Amzad Ali
4. Md. Seraj, Son of Late Rustam Ali
5. Abdul Wahab
6. Md. Azhar
Both Sons of Md. Seraj
7. Md. Zahir, Son of Md. Ibrahim
All residents of village - Paiktola, P.S. Araria, District Araria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Braj Nandan Rai, S/o Late Sri Nandan Rai resident of village - Paiktola,
P.S. Araria, District Araria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma, Advocate.
For the opposite party No.2 : Mr. Ashwini Kumar Gupta, Advocate.
For the State : Mr. Madan Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 08-11-2017 Heard learned counsel for the petitioners and the

State.

The petitioners apprehend their arrest in **Complaint**
Case No. 2829-C of 2015 instituted for the offence under Sections
420, 467, 468, 323, 447, 504 and 120(B) of the Indian Penal Code.

It is alleged by the complainant that the accused Md.
Taiyab Alam and Md. Alauddin (petitioner Nos. 1 and 2) have got
executed forged sale deed in favour of their father late Hadish



after making forged signature of Sushila Devi.

Learned counsel for the petitioners has submitted that originally land in question belonged to the complainant. The said land was sold to the father of the petitioner Nos. 1 and 2 in the year 1977 by executing a registered sale deed and since then they are coming in peaceful possession. The petitioner Nos. 3 to 7 are tenants of the aforesaid property.

Learned counsel for the opposite party No. 2 has appeared and submitted that forged sale deed has got executed in favour of father of petitioner Nos. 1 and 2, though Sushila Devi has not executed the sale deed in question.

This Court finds that such type of matter can be adjudicated in Civil Suit.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with **Complaint Case No. 2829-C of 2015**, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of **learned Judicial Magistrate, 1st Class, Araria**, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further



conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

S.Ali/-

(Sanjay Priya, J)

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