

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41772 of 2017

Arising Out of PS.Case No. -128 Year- 2017 Thana -MADHEPURA District- MADHEPURA

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1. Md. Jiyaaur Rahman @ Md. Jeyaur Rahman,
 2. Md. Aataur Rahman.
 3. Md. Razaur Rahman.
 4. Md. Amanur Rahman @ Amanur Rahman Jaka @ Md. Anaur Rahman,
All sons of Late Motiur Rahman.
 5. Atikur Rahman @ Md. Atikur Rahman @ Ibnur Rahman, S/o Late
Shafiur Rahman @ Md. Shafiur Rahman,
All are resident of Village- Masjid Chowk, Madhepura, Ward No. 10,
P.S. & District- Madhepura.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate

For the Opposite Party/s : Mr. Arbind Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

3 20-09-2017 Heard learned counsel for the petitioners, learned

Additional Public Prosecutor for the State and learned counsel

for the informant.

The petitioners seek pre-arrest bail in connection with
Madhepura P. S. Case No. 128 of 2017 registered under
Sections 406, 420, 467, 468 and 471 of the Indian Penal Code.

It is submitted by the learned counsel for the
petitioners that the case is purely of civil nature and the
registered sale deed executed by the petitioners has already been
challenged by the informant and his family members in Title Suit



No. 355 of 2015. He has submitted that the ingredients of the offences alleged against the petitioners are not attracted in the present case in view of the ratio laid down by the Supreme Court in **Murari Lal Gupta vs. Gopi Nath Singh [(2005) 13 SCC 699]**.

Learned counsel for the informant has opposed the application grant of pre-arrest bail to the petitioners. He has submitted that the petitioners have sold the land belonging to the informant and his family members. He has submitted that simply because, a title suit has also been filed, the prosecution in a criminal case cannot be held to be bad in law.

Be that as it may, regard being had to the nature of allegation, the petitioners named above 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, Madhepura in Madhepura P. S. Case No. 128 of 2017, 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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