

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41998 of 2018

Arising Out of PS.C.ase No. -2218 Year- 2016 Thana -COMPLAINT CASE District- ARRARIA

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1. Md. Mojibur Rahman @ Md. Mojib @ Mojibur Rahman, S/o Md. Kalimuddin, Resident of Village- Belbari, P.S. Araria, District- Araria.
 2. Md. Rajo @ Rajjak @ Rajo Mian, S/o Mohammad Diyan, Resident of Village- Ramai, P.S. Forbesganj, District- Araria.
 3. Md. Jabbar @ Jabbar, S/o Nanu Miyan, Resident of Village- Maratipur, P.S.- Kursakanta, District- Araria.
 4. Md. Azam, S/o Late Tenai Miya, Resident of Village- Matiyari, P.S. Jokihat, District- Araria.
 5. Mojahid, S/o Md. Helal, Resident of Village- Belwa, P.S.- Araria, District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Md. Hasibur Rahman, S/o Md. Kalimuddin, Resident of Village- Belbari, P.S.- Araria, District- Araria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Naushad Uzzoha, Advocate
For the Opposite Party/s : Smt Sangeeta Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 23-07-2018 Learned counsel for the petitioners submits that petitioner no. 3, Md. Jabbar @ Jabbar has already been arrested and therefore, his anticipatory bail petition has become infructuous.

Accordingly, the anticipatory bail petition of petitioner no. 3 is dismissed as has become infructuous.

Petitioner Nos. 1, 2, 4 and 5 apprehend their arrest in Complaint Case No. 2218c/2016, instituted for the offences



punishable under Sections 420, 467 and 468/34 of the Indian Penal Code.

In the written report, it is alleged that petitioner no. 1 is the step-brother of the complainant. He had purchased a land from the complainant on consideration amount of Rs. 1 lakh. He told the complainant to deposit the amount in the name of his two daughters and after deposit he gave passbook with assurance to return the amount. When the complainant made demand of the amount, petitioner no.1, on the pretext of pre-maturity, paid only Rs. 35,000/- and kept Rs. 15,000/- with him. In this manner, it is a dispute of money transaction between the parties. In the written report, there is nothing against petitioner nos. 2, 4, and 5.

Considering the facts and circumstances of the case, the prayer for anticipatory bail of the petitioner no. 1, 2, 4 and 5 is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with Complaint Case No. 2218c/2016, 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 the learned Additional Chief Judicial Magistrate-V, Araria, subject to the conditions as laid down under Section 438(2) of the 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.

(Sanjay Priya, J.)

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