

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3061 of 2018

Arising Out of PS.Case No. -219 Year- 2017 Thana -KOTWALI District- MUNGER

- =====
1. Md. Tarique Razi Ahmed Khan @ Tarique Razi Ahmad Khan , son of late Razi Ahmad Khan.
 2. Iffat Fatima @ Iffat Fatma, wife of Arsad Akhtar
- Both residents of village Mungeriganj, P.S. Begusarai at present resident of Mohalla Chhoti Kelawari, P.S. Kotwali, Distt. Munger.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Ranjan, Advocate.

For the Opposite Party/s : Mr. Prem Kumar Jha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 23-01-2018 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in **Kotwali P.S. Case No. 219 of 2017** instituted for the offence under Sections 420, 467, 468 and 471 of the Indian Penal Code.

There is allegation in the written report that at the instance of these petitioners, affidavit was prepared by Waquar Razi Ahmad Khan before Notary Public, Munger, on 20.2.2009 by concealing the name of the informant and his witnesses as legal heirs of Shamshadi Begum and on the basis of said affidavit got prepared incorrect and wrong genealogical table from Anchal Adhikari, Munger.

Learned counsel for the petitioners has submitted that



dispute is purely civil in nature and relates to succession and determination of legal heirs of late Shamsadi Begum which can only be seen in competent civil court. It has further been submitted that question of mentioning wrong date of death of Shamshadi Begum and Jaki Ahmad Khan is already an issue in the Title Suit No. 8 of 2013 and Probate Case No. 11 of 2010 in the court below. The complainant with a view to put pressure on petitioners has lodged the instant case.

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 **Kotwali P.S. Case No. 219 of 2017**, 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 **Chief Judicial Magistrate, Munger**, 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 their absence on two consecutive dates without proper and reasonable reason will be liable to cancel their



bail bond 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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