

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58729 of 2017

Arising Out of PS.Case No. -1178 Year- 2015 Thana -COMPLAINT CASE District- ARRARIA

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Md. Afroz @ Md. Afroz Alamd @ Md. Afroz Alam, S/o Late Matiur Rahman, resident of village - Gaiyari, P.S. - Araria, District Araria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Md. Akhtar Hussain, s/o late Suleman, resident of village - Gaiyari, P.S. - Araria, District Araria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Nivedita Nirvikar, Advocate..

For the Opposite Party/s : Md. Ashlam Ansari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 21-02-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Complaint Case No. 1178C of 2015** instituted for the offence under Sections 419, 420, 467, 468, 471 and 120B of the Indian Penal Code.

Learned counsel for the petitioner has submitted that this petitioner is nowhere beneficiary of the sale deed alleged to have been executed by sister-in-law (Bhabhi) of the complainant in favour of Md. Zainuddin.

The allegation against this petitioner in paragraph-6 of the complaint petition is that his photograph was found on the alleged sale deed as one of the witnesses in place of Md. Shabdar.

In such circumstances, this is a matter of purely civil



dispute. Petitioner is no where beneficiary of sale deed executed by Md. Zainuddin.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with **Complaint Case No. 1178C of 2015**, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of **learned Additional Chief Judicial Magistrate-IIIrd, 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) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond and (3) if petitioner tampers 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 petitioner.

(Sanjay Priya, J)

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