

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43654 of 2018

Arising Out of PS. Case No.-279 Year-2018 Thana- BHABHUA District- Bhabhua (Kaimur)

1. Sultan Asraf, son of late Ishraul Haque, resident of Bhabua Ward No. 12, Informant of Post Office, Bhabua, P.S. - Bhabua, District - Kaimur (Bhabua).
2. Nazim Khan, son of Banne Khan, resident of Village - Sirbit, P.S. Chainpur, District - Kaimur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. R.S. Sahay, Adv. Mr. Navin Kr. Jha, Adv. Mr. Ajay Nandan Sahay, Adv.
For the Opposite Party/s :		Mr. Sri Ashok Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 23-07-2018 Heard learned Counsels for the petitioner and learned
APP for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 323, 420, 467, 468 and 504 of the Indian Penal Code.

The prosecution case as per the complaint Case No. 377 of 2018, which came to be registered as a police case after being transferred under Section 156(3) of the Cr. P. C., is to the effect that the complainant entered into an agreement with Noor Jahan Begum for transfer of land and wherein which the petitioner is a witness, for which, initially Rs. 3,20,000/- was paid to Noor Jahan and rest amount was agreed to be paid at the time of



registration of sale deed. Subsequently, when the complainant went to demand the remaining consideration amount, then Noor Jahan Begum conveyed that she has not received any money, thereafter petitioner no.1 agreed to return the amount and also agreed to execute the document to that effect and when the informant brought the stamp paper, petitioner no.1 snatched the same.

It is submitted by learned counsel for the petitioner that the thrust of accusation is against Noor Jahan Begum and the petitioners are only witnesses to the said agreement. The petitioners have also filed Bhabua P. S. Case No.223 of 2018 on 22.03.2018 against the complainant side with accusation under Sections 341, 323, 504, 420/34 of the I.P.C., whereas in the present case a complaint was filed on 06.04.2018. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the petitioner are named in the FIR.

Considering the thrust of accusation is against the co-accused Noor Jahan Begum, coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be



released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, 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 Chief Judicial Magistrate, Bhabua, in connection with Bhabua P. S. Case No. 279 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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