

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.69989 of 2018

Arising Out of PS. Case No.-2294 Year-2016 Thana- SIWAN COMPLAINT CASE District-
Siwan

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1. Babar Ali, Son of Ishaque Mian,
 2. Ali Asgar, Son of Ishaque Mian,
 3. Manjoor Miya @ Manjoor Alam, Son of Basid Mian, All 1 to 3 are residents of Village- Nautan, Police Station- G.B. Nagar, District- Siwan.
 4. Chandra Shekhar Singh, Son of Bhul Singh, Resident of Village- Bajrahan, Police Station- G.B. Nagar, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sahida Khatoon @ Sahidan Bibi, Wife of Late Koramat Mian, Resident of Village- Nautan, Police Station- G.B. Nagar, District- Siwan.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Javed Aslam
For the Opposite Party/s	:	Mr.Sri Rajesh Kumar
For the informant	:	Mr. Prashant Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 20-12-2018 Heard both sides.

The petitioners apprehend their arrest in Complaint case No. 2294 of 2016 registered under Section 419, 420, 467, 468, 471, 120B of the Indian Penal Code.

The complainant alleged that petitioners by impersonating her husband got a registered sale deed executed with regard to land of plot No. 943, 945, Khata No. 195, area one Katha. Her husband died on 15.06.1981 but the sale deed was executed in the year 2014.

The learned counsel for the petitioners submits that



on the complaint petition filed by the complainant Maharajganj P.S. case No. 162 of 2015 was registered. The police after investigation found the case false and the I.O. also stated that Karamat Mian died in the year 2015. In the voters list of 2015 name of Karamat Mian appears besides the death certificate and other documents but the complainant filed the protest petition on the basis of which the present case proceeded.

On the other hand the learned counsel for the complainant/ informant filed counter affidavit annexing the documents R1, R2 and R3 showing that Karamat Mian died on 15.06.1981 and his death certificate was issued on 26.02.1993 and Karamat Mian was not alive on the date of execution of sale deed in the year 2014. Therefore, the petitioners do not deserve bail but from perusal of records it appears that on the basis of allegation made by the complainant/ informant the police investigated the case and found the case false and also found that husband of complainant died in the year 2015 after execution of the sale deed. Of course from the side of complainant death certificate said to have been issued by the Government of Bihar showing that Karamat Mian died on 15.06.1981 has been filed but death of Karamat Mian is in dispute. Therefore, I find that petitioners deserve anticipatory



bail.

Considering the facts, the petitioners, above named, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt/ production of a copy of this order are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Siwan in connection with- Complaint Case No. 2294 of 2016, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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