

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45303 of 2018

Arising Out of PS.Case No. -139 Year- 2018 Thana -PATORI District- SAMASTIPUR

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1. Jamil Ahmad Kha, Son of Late Vasir Uddin Kha,
2. Nosad Ahmad Kha @ Naushad Ahmad,
3. Shamshad Ahmad @ Shamshad Ahmad Kha @ Munna, Both are Sons of
Jamil Ahmad Kha, All are resident of Village- Shahpur Undi, P.S.- Patory,
District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Md. Hassiful Tailor Son of Late Ramjani Tailor Village-Shahpur Undi,
P.S.- Patori, District-Samastipur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhay Shankar Singh, Adv

For the Opposite Party/s : Mr. Sri Sunil Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 06-10-2018 Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in
a case registered for the offences punishable under
Sections 120B, 323,34,406,420,467,468,504 of the Indian
Penal Code.

The complainant had purchased the land
through registered sale deed from petitioner No.1 -Jamil
Ahmad Kha. Thereafter, the complainant got his name
recorded in the Govt. records and rent receipt was issued
in the name of the complainant. Later on, an agnate of the



petitioners executed a registered sale deed in respect of the same land in favour of some other person. Then the complainant filed a civil suit for annulment of the said subsequent sale deed. Since, civil suit was not being heard at the earliest, the present complaint was filed after four years of the entire occurrence.

Learned counsel for the complainant opposed the prayer for anticipatory bail on the ground that the petitioners have got criminal antecedent and have suppressed the same.

Considering the nature of allegation, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Patory P.S.Case No. 139 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and further the petitioners shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioners.



If the informant produces material to show that the petitioners have got criminal antecedent and they had knowledge about those cases either by appearance in those cases or arrest in those cases that would be a ground to cancel the bail bond of the petitioners in this case for the reason that the petitioners have stated on oath that they have got no criminal antecedent and the conduct of the petitioners would amount to suppression of material facts and making wrong statement on oath.

(Birendra Kumar, J)

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