

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11620 of 2019

Arising Out of PS. Case No.-20 Year-2012 Thana- ECONOMIC OFFENCES, BIHAR
District- Patna

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1. Saiyada Kausar Sima Ali @ Saiyada Kausar Sima Jamal, Daughter of Late Jamaluddin Khan, Resident of Village-Karbigahiya, P.S.- Jakkanpur Dist-Patna
 2. Saiyada Kishwar Jamal, Daughter of Late Jamaluddin Khan, Resident of Village-Karbigahiya, P.S.- Jakkanpur, Dist.-Patna
 3. Md. Rashid Ali @ Rashid Ali, Son of Late Jamaluddin Khan, Resident of Village-Karbigahiya, P.S.- Jakkanpur, Dist.-Patna
 4. Md. Fazle Ali @ Fazal Ali, Son of Late Jamaluddin Khan, Resident of Village-Karbigahiya, P.S.- Jakkanpur, Dist.-Patna
 5. Md. Shakil Khan @ Shakil Khan Son of Late Jamaluddin Khan, Resident of Village-Karbigahiya, P.S.- Jakkanpur, Dist.-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sushanta Kumar Das
For the Opposite Party/s : Mr.Anil Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 26-02-2019 Heard both sides.

The petitioners apprehend their arrest in Economic Offences P.S. Case No.20 of 2012 registered under Sections 420, 465, 467, 468, 471 and 120(B) of the Indian Penal Code and under Sections 8, 12, 13(1)(d) read with section 13(2) of the Prevention of Corruption Act.

The informant being Superintending Engineer of Ganga-Sone Flood Safety Circle, Patna lodged the case against the Executive Engineer and other employees of Ganga-Sone



Flood Safety Division and alleged that the accused persons in collusion with each other settled the lands of Irrigation Department to different persons on lease and also allowed the encroachers to construct houses thereon.

Learned counsel for the petitioners submits that the petitioners are not named in the F.I.R. The petitioners are made accused in the case on the basis of the fact that the petitioners are descendants of the recorded tenant, namely, Jamaluddin Khan. The petitioners are, of course, in possession of the disputed land which was settled in favour of Jamaluddin Khan. Jamaluddin Khan was the recorded tenant and he was in possession of the land since 1931. The petitioners never fabricated any document nor encroached upon the land of Irrigation Department but since they are descendants of Jamaluddin Khan (recorded tenant), they are in possession of the land and they are residing in the house situated on the land.

Having considered the facts aforesaid, the above named petitioners, 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 bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the



satisfaction of learned Special Judge, Vigilance 1st, Patna in connection with Economic Offences P.S. Case No.20 of 2012, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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