

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13674 of 2019

Arising Out of PS. Case No.-425 Year-2017 Thana- ARARIA District- Araria

1. MD. WAZUDDIN, aged about 67 years, Male, Son of Late Sk. Riyazuddin, Residents of Village- Chandradai, Police Station and District- Araria
2. Md. Hasnain @ Hasnain, aged about 47 years, Male, Son of Md. Tajuddin, Residents of Village- Chandradai, Police Station and District- Araria
3. Abul Hasan, aged about 44 years, Male, Son of Md. Tajuddin, Residents of Village- Chandradai, Police Station and District- Araria
4. Nurul Hasan, aged about 38 years, Male, S/o Md. Tajuddin, Residents of Village- Chandradai, Police Station and District- Araria

... Petitioners

Versus

1. THE STATE OF BIHAR
 2. Md. Sodagar, s/o Md. Fariduddin, r/o village Lahna Gosaibari, P.s. & district Araria
- ... Opposite Parties

Appearance :

For the Petitioners : Mr. Mukesh Kumar Rana, Adv.
For the Opposite Parties : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

5 09-07-2019 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the state.

The petitioners seek pre-arrest bail in connection with Araria P.S. Case No. 425 of 2017 for the offences alleged under Sections 420, 467, 468, 471, 323 and 504 of the Indian Penal Code.

The accusation is that in the month of April, 2013, petitioners and one Abdul Gafoor asked the complainant/opposite party no. 2, Md. Sodagar, to sell his land measuring about 63 decimal covering under plot no. 2801 and



2802 of village Hayatpur on a consideration amount of Rs.2,52,000/-, complainant became ready to sell the said land and, accordingly, he went on 22.05.2013 to Registry Office where the petitioners 1 to 3 and one Abdul Gafoor had also come and executed the sale deed in favour of the complainant and his wife, Sarvari. When on 22.05.2013 complainant/opposite party no. 2 went to the Circle Office for mutation, then, came to know that land covered under the sale deed was earlier sold by Rayazuddin, father of petitioner no. 1 and grand father of petitioner no. 2. When the complainant/opposite party no. 2 approached the petitioners and made complaint, then, he was assaulted by fists and slaps.

The submission of the learned counsel for the petitioners is that after execution of the sale deed in favour of complainant/opposite party no. 2, he is in possession over the land and the land in question was never sold by father of petitioner no. 1 and grand father of petitioner no. 2 and only due to some ulterior motive the present case has been filed.

Learned Additional Public Prosecutor for the State opposes the prayer for pre-arrest bail.

Having regard to the facts and circumstances of the case, let the petitioners, above named, in the event of



surrender/arrest, within a period of four weeks from today, in connection with Araria P.S. Case No. 425 of 2017 shall be released on pre-arrest bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Araria, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

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