

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18333 of 2019

Arising Out of PS. Case No.-80 Year-2017 Thana- BARSOI District- Katihar

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1. SAHEBA KHATOON @ BIBI SAHEBA KHATOON Wife of Ahmad Hussain Resident of Village - Kasba Toli, P.S.- Barsoi (Kachna O.P.), District - Katihar.
 2. Ahmad Hussain Son of Kalimuddin Resident of Village - Kasba Toli, P.S.- Barsoi (Kachna O.P.), District - Katihar.
 3. Sahbuddin Son of Late Kadir Ali Resident of Village - Kasba Toli, P.S.- Barsoi (Kachna O.P.), District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar

For the Opposite Party/s : Mr.Jagdhara Prasad

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 27-03-2019 Heard learned Counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending arrest in a case registered
for the offences punishable under Sections 464, 468, 466, 467,
409/34 of the Indian Penal Code.

Initially, the prosecution case got initiated with filing of
Complaint Case No.9 of 2017, which came to be registered as
police case, being Barsoi P.S Case No.80 of 2017, after its being



transferred under Section 156(3) of the Code of Criminal Procedure to the police for investigation.

The prosecution case is that on the basis of forged cast certificate, petitioner no.1, Saheba Khatoon got elected as Panchayat Mukhiya and petitioner no.2, Ahmad Hussain being, husband of petitioner no.1 and petitioner no.3 being, co-villager facilitated in commission of such offence.

It is submitted by learned counsel for the petitioners that the complaint has been filed by a private person. Subsequently, the cast certificate of petitioner no.1 has been cancelled and petitioner no.1 has been removed from the post of Panchayat Mukhiya and the said issue is under challenge in CWJC NO. 4923 of 2018 before this Court.

It is submitted by learned APP for the State that there is specific accusation against the petitioners and they are named in the FIR.

Considering the fact that the accusation has been levelled by a private person and the question of forged cast certificate is still under challenge in a writ proceeding before this Court, 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 CJM, Katihar in connection with Barsoi P.S. Case No.80 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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