

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39978 of 2019

Arising Out of PS. Case No.-114 Year-2018 Thana- TERHAGACHH District- Kishanganj

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1. Md. Kajim Hussain @ Kajim Son of Mahmood Hussain @ SK. Chikkhu Resident of Village - Baigana, P.S.- Teragachh, District- Kishanganj
 2. Quaiyum @ Md. Quaiyum Son of Mahmood Hussain @ Sk. Chikkhu Resident of Village - Baigana, P.S.- Teragachh, District- Kishanganj
 3. Nikkhat Pravenn D/o - Mahmood Hussain @ SK. Chikkhu Resident of Village - Baigana, P.S.- Teragachh, District- Kishanganj
 4. Safid Alam Son of Abdul Latif Resident of Village - Baigana, P.S.- Teragachh, District- Kishanganj
 5. Usman Son of Late Sirajul Resident of Village - Baigana, P.S.- Teragachh, District- Kishanganj
 6. Md. Yahya Son of Jarjish Resident of Village - Khajorbari, P.S.- Teragachh, District- Kishanganj
 7. Abdus Shakoor Son of Shesh Mohamad Resident of Village - Chikni P.S. and District- Kishanganj
 8. Abdullah Son of Late Musa Resident of Village - Chiknni, P.S. and District- Araria
 9. Md. Azad Son of Abdul Hakim Resident of Babladangi, Khorha Gachhi, P.S.- Sikti District- Araria
 10. Abdul Hakim Son of Late Ansur Ali Resident of Babladangi, Khorha Gachhi, P.S.- Sikti District- Araria
 11. Noor Hussain Son of Abdul Hakim Resident of Babladangi, Khorha Gachhi, P.S.- Sikti District- Araria
 12. Asmatullah Son of Abdul Hakim Resident of Babladangi, Khorha Gachhi, P.S.- Sikti District- Araria
 13. Rahmutullah Son of Abdul Hakim Resident of Babladangi, Khorha Gachhi, P.S.- Sikti District- Araria
 14. Akhtar Alam Son of Islamuddin Resident of Dhapri, P.S.- Palasi, District- Araria
 15. Touhid Jamali Son of Late Haroon Rashid Resident of Village - Guna Sameshar, P.S.- Bahadurganj, District- Kishanganj
 16. Jamshed Ali Son of Abdul Gafoor Resident of Barighat School Tola, P.S. and District- Araria

... .. Petitioner/s

Versus

The State Of Bihar



... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamal Kishore Jha
For the Opposite Party/s : Mr. Ajay Kumar Jha

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

4 20-09-2019 Learned counsel for the petitioners seeks permission to withdraw this case with respect to the petitioner nos. 1 Md. Kajim Hussain @ Kajim and 2 (Quaiyum @ Md. Quaiyum).

Permission is granted.

Accordingly, this criminal miscellaneous application is dismissed as withdrawn in respect of the petitioner nos. 1 and 2.

Heard learned counsel appearing on behalf of the petitioner nos. 3 to 16 and learned APP for the State.

Petitioners apprehend their arrest in connection with Terhagachh P.S. Case No. 114 of 2018 registered for the offence punishable under Sections 420, 467, 468, 471, 506/34 of the Indian Penal Code.

Petitioner nos. 6, 7, 8, 9, 10, 11, 12 and 13 are said to have purchased the land of grandfather of the informant



fraudulently from accused Md. Kajim Hussain, Quaiyum @ Md. Quaiyum and petitioner no. 3. Nikhat Praveen. Petitioner nos. 4, 5, 14, 15 and 16 happens to be identifier and on asking the informant for the papers of the land, all the petitioners got infuriated and extended threatening of dire consequence to him.

It is submitted by learned counsel appearing on behalf of petitioner nos. 3 to 16 that the petitioner nos. 6, 7, 8, 9, 10, 11, 12 and 13 happen to be *bona fide* purchaser while petitioner nos. 4, 5, 14, 15 and 16 are identifier. Aforesaid petitioners have fraudulently purchased the aforesaid land vide registered sale deed after payment of consideration money. It is a case of civil nature. Allegation of extending threatening levelled against the petitioners is not specific rather general and omnibus in nature. Petitioner nos. 3 happens to be lady. Petitioners have no criminal antecedent.

In the facts and circumstances of the case, the petitioner nos. 3 to 16 are directed to be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six 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 learned Judicial Magistrate, Kishanganj in connection with Terhagachh P.S. Case No. 114 of



2018, subject to the condition as laid down under Section 438
(2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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