

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.43318 of 2019

Arising Out of PS. Case No.-73 Year-2019 Thana- KASBA District- Purnia

1. Md. Shahbuddin @ Shahbuddin, Male, aged about 40 years, Son of Late Ikram
2. Abdul Rasid Male, aged about 28 years, Son of Md. Gayas
3. Md. Maruf, Male, aged about 42 years, Son of Late Shahbuddin
4. Md. Gayas Male, aged about 68 years, Son of Ikram
5. Md. Shamim @ Md. Shamim Akhtar, Male, aged about 45 years, Son of Late Touhid
6. Md. Mamnum @ Mamnun, aged about 47 years, Son of Late Shahbuddin
7. Md. Ajam , Male, aged 38 years, Son of Late Md. Hamid
8. Md. Jakiruddin @ Moulvi Jakiruddin, Male, aged about 43 years, Son of Late Anis
9. Md. Salim, Male, aged about 32 years, Son of Aslam
All resident of village- Majgama, P.S. Kasba, District- Purnea.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Sunil Kumar, Advocate
For the State	:	Mr. Mohammed Arif, APP
For the Informant	:	Dr. Bidhu Ranjan, Advocate

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 15-07-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 467, 468, 471, 419 and 420 of the Indian Penal Code registered in connection with Kasba P.S. Case No. 73 of 2019.

3. It is submitted that the petitioners have been falsely implicated merely on suspicion except which there is no objective material to connect them with the alleged occurrence. The petitioners



are neither vendors, nor purchasers, nor witnesses nor identifiers in the forged sale deed. No specific accusation has been made against the petitioners who have no concern whatsoever with the land in question nor the forged sale deed said to have been executed in favour of co-accused Gajala Parween who happens to be the wife of the deceased brother of the informant. Title Suit No. 62 of 2019 is also pending in the court of learned Sub Judge, Purnea at the instance of the said co-accused Gajala Parween herself against the informant and others with prayer for registration of sale deed in her favour inasmuch as the present sale deed executed in her favour was forged one. The petitioners claim clean antecedents.

4. Learned APP assisted by learned counsel for the informant appearing suo motu opposes the bail petition.

5. Be that as it may, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bonds of Rs.10,000/-(ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with Kasba P.S. Case No. 73 of 2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with further conditions --

(i) That one of the bailors of each of the petitioners shall be their close relatives.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioners shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioners shall cooperate with the investigation, if not already concluded, and make themselves



available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Vikash Jain, J)

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