

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56061 of 2018

Arising Out of PS. Case No.-431 Year-2016 Thana- LAHERIYASARAI District- Darbhanga

1. Amir Soban @ Aamir Souban S/o- Late Kalim Ahmad.
2. Nadim Ahmad S/o- Late Kalim Ahmad.
3. Md. Ainul S/o- Late Abdul Ahmad.
4. Md. Iftekhar Ahmad @ Iftekhar Ahmad S/o- Ashfaque Ahmad.
5. Faiyaz Alam @ Md. Faiyaz Alam, S/o- Md. Ismail.
6. Md. Zilani @ Zilani, S/o- Late Abdul Hai.
7. Ram Brish Das @ Ram Briksha Das, S/o- Puran Das.
8. Afroz Praveen, W/o- Md. Imteyaz.
9. Layaqat Ali @ Baban @ Md. Liyaquat Ali, S/o- Md. Ayub
10. Sajada Tarannum W/o- Layaquat Ali, All are R/v- Barhi, P.S.- Keoti, District- Darbhanga.

... .. Petitioners

Versus

1. The State Of Bihar
2. Arif Ahmad, son of Late Kalim Ahmad, Resident of village Barhi, P.S. Keoti, District Darbhanga.

... .. Opposite Parties

Appearance :

For the Petitioners : Mr. Md. Shahnawaz Ali, Advocate
For the Opposite Party : Mr. Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 20-02-2019 By order dated 10.12.2018, petitioner nos. 3 to 10 have been granted anticipatory by a coordinate Bench of this Court.

2. Heard learned counsel for the petitioner nos. 1 and 2 and learned APP for the State.

3. Petitioner Nos. 1 and 2 apprehends their arrest for the offences alleged under Sections 406, 420, 409, 467, 468, 471 and 120(B) of the Indian Penal Code registered in connection with Laheriasarai P.S. Case No. 431 of 2016.

3. It is submitted that the petitioner nos. 1 and 2 have been falsely implicated and the informant is the brother of the petitioner nos. 1 and 2. It is submitted that there is land dispute between the parties and the accusation is at best a dispute of civil nature. The petitioners claim antecedents.



4. Learned APP appears and has been heard.

5. Despite valid service of notice on opposite party no. 2, appearance has not been entered on his behalf nor he is represented when the matter is called.

6. Be that as it may, as regards petitioner nos. 1 and 2, namely, Amir Sobhan @ Aamir Souban and Nadim Ahmad, in the event of their arrest or surrender before the court below within six weeks from the date of communication of this order, let them 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, Darbhanga in connection with Laheriyasarai P.S. Case No. 431 of 2016, subject to the conditions as laid down under Section 438 (2) 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.

BT/Chandran

(Vikash Jain, J)

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