

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56326 of 2019**

Arising Out of PS. Case No.-473 Year-2018 Thana- GOPALGANJ TOWN
District- Gopalganj

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1. BHAGWAN SAH @ BHAGWANJI PRASAD S/o Biswanath Sah Resident of Mohalla- Purani Chowk, P.S. and Dist.- Gopalganj.
 2. Anil Kumar @ Anil Kumar Anand @ Ganesh S/o Gobind Prasad Resident of Mohalla- Purani Chowk, P.S. and Dist.- Gopalganj.
 3. Avinash Kumar S/o Kashinath Prasad Resident of Mohalla- Ward No.11, P.S. and Dist.- Gopalganj.
 4. Fariyad Son of Taiyab Mian Resident of Village- Bhedia Tola Mukari P.S. and Dist.- Gopalganj.
 5. Mobin Alam @ Mobin S/o Taiyab Mian Resident of Village- Bhedia Tola Mukari P.S. and Dist.- Gopalganj.
 6. Amil Hussain S/o Safayat Resident of Village- Bhedia Tola Mukari, P.S. and District- Gopalganj
 7. Sakila Khatoon @ Sakali Khatoon W/o Kalim Resident of Village- Bhedia Tola Mukari, P.S. and District- Gopalganj
 8. Murtuza @ Murtuza Ali S/o Esa @ Esa Mia Resident of Village- Bhedia Tola Mukari, P.S. and District- Gopalganj
 9. Gyasudin S/o Asif Resident of Village- Bhedia Tola Mukari, P.S. and District- Gopalganj
 10. Hasmuddin @ Asamudin S/o Taiyab Mia Resident of Village- Bhedia Tola Mukari, P.S. and District- Gopalganj
 11. Sahmad Mia @ Sahmad S/o Danif Resident of Village- Bhedia Tola Mukari, P.S. and District- Gopalganj

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Jitendra Kumar Singh, Advocate.
For the Opposite Party: Mr. Rajendra Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 05-09-2019

Heard learned counsel for the petitioners and
learned APP for the State.



2. The petitioners apprehend their arrest for the offences alleged under Sections 420, 467, 468, 469, 506/34 of the Indian Penal Code registered in connection with Gopalganj Town P.S. Case No. 473 of 2018.

3. It is submitted that the petitioners have been falsely implicated on the accusation that the petitioner nos. 4 to 11 have fraudulently sold the informant's land to the petitioner nos. 1, 2 and 3. It is submitted however that Jamabandi has since been made in favour of the petitioner nos. 2 and 3 in terms of letter no. 348 dated 11.07.2019 (Annexure-2). It is further submitted that in any event the dispute is at best of a civil nature and the informant could have sought cancellation of the sale deed. The petitioners claim clean antecedents.

4. 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 bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Gopalganj Town P.S. Case No. 473 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions -

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



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

(iii) 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.

(iv) That the petitioner 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.

(Vikash Jain, J)

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