

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73715 of 2019

Arising Out of PS. Case No.-1133 Year-2018 Thana- SAHARSA COMPLAINT CASE
District- Saharsa

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1. HAJI MD. MUSTAFA AHMAD Son of Late Haji Mir Ali Ahmad Resident of Saharsa Basti, Ward No. 38, P.S. and District- Saharsa.
 2. Md. Murtaja Ahmad @ Mir Murtaja Son of Late Haji Mir Ali Ahmad Resident of Saharsa Basti, Ward No. 38, P.S. and District- Saharsa.
 3. Md. Mokhtar Ahmad @ Mir Mokhtar Son of Late Haji Mir Ali Ahmad Resident of Saharsa Basti, Ward No. 38, P.S. and District- Saharsa.
 4. Mir Harun @ Md. Harun Ahmad Son of Late Haji Mir Ali Ahmad Resident of Saharsa Basti, Ward No. 38, P.S. and District- Saharsa.
 5. Md. Ahad @ Mir Ahad Ali Son of Late Haji Mir Ali Ahmad Resident of Saharsa Basti, Ward No. 38, P.S. and District- Saharsa.
 6. Md. Raji Ahmad Son of Late Haji Mir Ali Ahmad Resident of Saharsa Basti, Ward No. 38, P.S. and District- Saharsa.
 7. Md. Aftab Ahmad Son of Haji Md. Mustafa Ahmad Resident of Saharsa Basti, Ward No. 38, P.S. and District- Saharsa.
 8. Bibi Nadra Khatoon @ Bibi Nadira Khatoon @ Ruhi Khatoon Wife of Mokhtar Ahmad Resident of Saharsa Basti, Ward No. 38, P.S. and District- Saharsa.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Nirmal Kumar Son of Din Dayal Bhagat Resident of Village- Simri Bakhtiyarpur (Hatia Gachhi) Ward No. 11, Nagar Panchayat Simri Bakhtiyarpur, P.S.- Bakhtiyarpur, District- Saharsa.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Mishra
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 25-11-2019 Petitioners seek bail in anticipation of their arrest in connection with Complaint Case No. 1133c of 2018 in which cognizance has been taken under Sections 465 and 420 of the Indian Penal Code.



As per complaint case one co-accused Md. Sher Afgan approached the complainant for sale of a piece of land and Md. Sher Afgan claimed that he has an agreement with the landholders, i.e., petitioner No.1 and others and further allegation is that he has paid Rs. 4 lac and Rs.2 lac to Md. Sher Afgan for sale of the land and he has called the complaint in the Registry Office but he has no executed sale deed. So far these petitioners are concerned, it is alleged that at that time they were present in the Bank and as such they have also knowledge about the same.

Submission of learned counsel for the petitioners is that even according to complaint case payment has been made to Md. Sher Afgan and not to these petitioners and petitioner No.1 has land in the jurisdiction of court concerned and they are ready to abide by any condition that may be imposed on them and there is no chance of tampering with the evidence.

Heard learned APP also.

In view of above facts and circumstances, let petitioners, in the event of surrender within a period of three weeks from the receipt of this order, be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the



satisfaction of the Additional Chief Judicial Magistrate-III, Saharsa, in connection with Complaint Case No. 1133c of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and further condition is that one of the bailors of the petitioners shall be a local person having sufficient immoveable property within the jurisdiction of the court concerned and further condition that they have to co-operate in disposal of complaint case and appear in court as and when required.

(Vinod Kumar Sinha, J)

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