

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63651 of 2018

Arising Out of PS. Case No.-539 Year-2017 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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1. Syed Naiyar Hasan @ Saiyad Naiyar Hasan @ Sayed Naiyar Hasan @ Sayad Naiyar Hasan, Son of Late Syed Hasan,
 2. Syed Md. Hashim @ Saiyad Md. Hashim, Son of Syed Quaiyum Akhtar, Both residents of Village- Baro, Police Station- Phulwaria, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Dr. Amrendra Kumar, Sr. Advocate Ms. Sanjana, Advocate Mr. Jai Shankar Prasad, Advocate
For the Opposite Party/s	:	Mr. Bal Mukund Prasad Sinha, APP
For the Complainant	:	Mr. Sandip Kumar Gautam, Advocate

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 09-01-2019 Heard learned counsel for the petitioners as well as learned APP for the State and learned counsel for the complainant.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 420, 467, 468/34 of the Indian Penal Code.

Allegation is that one of the petitioner had sold the land of the complainant in favour of another petitioner. The law is well settled that no one can transfer a better title than he himself possesses.

Apparently, the person cheated in the transaction is petitioner No.2, *Syed Md. Hashim @ Saiyad Md. Hashim*, who



had paid the consideration money to a non-title holder. The real title holder cannot be displayed for fictitious sale deed.

Learned counsel for the complainant opposed the prayer for anticipatory bail.

Considering the facts aforesaid, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Muffasil Police Station Case No.539 of 2017, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the petitioners shall fully co-operate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bonds of the petitioners.

(Birendra Kumar, J)

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