

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76 of 2020

Arising Out of PS. Case No.-896 Year-2019 Thana- ARARIA District- Araria

-
1. Jamal @ Jamaluddin Son of Jahiruddin
 2. Md. Asfaque Alam Son of Jahiruddin
 3. Md. Rajjak Son of Jahiruddin
- All are resident of Village - Bagnagar, Ward No. 5, P.S.- Mahalgaon, Distt - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate

For the Opposite Party/s : Mr. Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 17-02-2020 Heard learned counsel for the parties.

Petitioners apprehend their arrest in a case registered for the offence punishable under sections 420/406/504/506 of the Indian Penal Code.

Prosecution case, in brief, as per F.I.R., the informant entered into a contract with the accused persons in the year 2004 to purchase their land of 2 acres and 80 decimals on consideration amount of Rs.5,05,000/- out of them Rs. 4,75,000/- was paid to the accused persons by the informant and rest of Rs. 30,000/- was to be paid at the time of registration of sale deed. But till date sale deed has not been executed in favour of the informant.

It has been submitted on behalf of the petitioners that



neither petitioners have received any money from the informant nor any such contract was made with the informant. It has further been submitted that the petitioners have falsely been implicated in the present case on the basis of land dispute. It has further been submitted that earlier a case bearing case no. 125/2013-14 under section 48E of the B.T. Act has been filed against the petitioners, which was dismissed by the learned D.C.L.R. Araria. It has further been submitted that after lapse of 15 years the present case has been lodged on the basis of forged Panchnama dated 20.02.2019. It has further been submitted that earlier petitioner no.1 has already been filed complaint case No. 2552C of 2019 against the informant and his brothers on 15.10.2019 and on retaliation the present case has been lodged by the informant. It has further been submitted that the present case is in the nature of civil dispute. The petitioners have no criminal antecedent.

Considering the aforesaid facts and circumstances as well as nature of accusation, in the event of their arrest/surrender within a period of six weeks from today, let the above named petitioners be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial



Magistrate, Araria in connection with Araria P.S. Case No. 896
of 2019 on the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

S.Katyayan/-

U		T	
---	--	---	--

