

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.6035 of 2020**

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1. Md. Danesh @ Md. Danis
2. Abdul Rahman
3. Maqbul Hussain
4. Abul Husain @ Abdul Hussain

All sons of late Abdul Bahaba @ Late Abdul Bahaw, all are resident of
village-Bholamari, P.S.-Amdabad, District-Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Sandeep Kumar, Adv.
For the State	:	Mr.Akhileshwar Dayal, APP
For the Informant	:	Mr. Rajendra Prasad Sah, Adv.

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 14-08-2020 Heard learned counsel for the petitioners, learned counsel
for the informant and Mr. Akhileshwar Dayal, learned A.P.P. for the
State.

Petitioners, in the present case, are seeking pre-arrest bail
in connection with Amdabad P.S. Case No.197/2019 registered for
the offences under Sections 419, 420, 467, 468, 474 and 120(B) of
the Indian Penal Code. Earlier they have been granted provisional
anticipatory bail vide order dated 03.03.2020 and pursuant to that
order the petitioners had submitted their bail bonds.

So far as allegations against these petitioners are
concerned, it is alleged that they have got executed a registered sale
deed on 12.04.1985 by impersonating one Hajrat Ali who had already



died on 05.04.1982. The informant has alleged that he has got right, title and interest in plot no. 1453 and 1471 under Khata No. 165, Mauza Govindpur, Thana No. 349 measuring area 15 decimals in the district of Katihar and it is his case that while he was enjoying the said land, these petitioners reached on the land on 25.08.2019 and by virtue of the said sale deed in their hand they claimed their right over the land in question. The allegation is thus, that of creating a sale deed by impersonating the elder brother of the informant.

Learned counsel for the petitioners submits that while granting the provisional anticipatory bail, this court had granted time to the informant to file counter affidavit and the same has been placed on record. However, it is an admitted position that the death certificate of the deceased Hajrat Ali has been procured by the informant only on 21.08.2019 i.e. after about 37 years of the alleged date of death.

Learned counsel submits that after obtaining the death certificate by showing a convenient date, the informant has come out with this complaint petition which was initially preferred in the court of learned C.J.M. Katihar and the same was referred to the police station. In his submission it is nothing but a pure civil dispute and the petitioners deserve the privilege of anticipatory bail.

Learned counsel for the informant as well as learned A.P.P. for the State have opposed the prayer for anticipatory bail of these petitioners. Learned counsel for the informant submits that the



petitioners got a sale deed dated 24.12.1985 in their favour by impersonating Hajrat Ali who had died much before the date of execution. In course of hearing, however, it is not denied by learned counsel for the informant that the death certificate of said Hajrat Ali has been issued after 37 years on 21.08.2019.

Having regard to the facts and circumstances of the case wherein this court has noticed the nature of dispute being a land dispute and the date of death of Hajrat Ali is now being sought to be proved on the basis of a death certificate issued after 37 years of his alleged date of death, petitioners deserve privilege of anticipatory bail. The provisional anticipatory bail is, thus, confirmed. Let the petitioners remain on bail on the same bail bonds.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

