

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15294 of 2020

Arising Out of PS. Case No.-114 Year-2018 Thana- TERHAGACHH District- Kishanganj

1. MD. KAJIM HUSSAIN @ KAJIM
2. Quaiyum @ Md. Quaiyum Both are sons of Mahmood Hussain @ Sk. Chikku Resident of Village - Baigana, P.S. - Teragachh, District - Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surinder Kumar, Adv.

For the Opposite Party/s : Mr.B.N.Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 08-09-2020 Heard Mr. Surinder Kumar, learned counsel for the petitioner and Mr. B.N.Pandey, learned A.P.P. for the State as Ms. Rina Sinha, learned A.P.P. is not present through Video Conferencing.

The petitioners apprehend their arrest in Teragachh P.S. Case No.114 of 2018 registered under Sections 420, 467, 468, 471, 506 and 34 of the Indian Penal Code.

Md. Nauzir Alam, the informant, in sum and substance alleged that the lands of Khesra Nos.1684, 1687, 1688, 1692, 1693, 1695, 1696 and 1671 of Khata No.376, Thana No.137, Tauji No.1240 are recorded in the name of Sk. Chikku Karim, son of Sk. Hasrat Ali in the record of right but Md.



Kajim Hussain(petitioner No.1), Md. Quaiyum(petitioner No.2) and Nikhat Pravin impersonated themselves as the sons and daughter of Sk. Chikku Karim and fraudulently sold the entire lands measuring 8 acres to others, the accused persons.

The learned counsel for the petitioners submits that petitioners are innocent and dispute appears to be of civil nature. Petitioners had earlier moved this Court in Cr. Misc. No.39978 of 2019 but the learned counsel appearing on behalf of the petitioners withdrew their anticipatory bail petition, therefore, the petitioners again filed this anticipatory bail petition. It is submitted that dispute is purely of civil nature hence, the petitioners deserve anticipatory bail but it appears from perusal of the F.I.R. itself that the petitioners themselves impersonated as the sons of Sk. Chikku but from the records, such as Aadhar Card, Ration Card and other documents, referred in the F.I.R., show that the petitioners are sons of Mahmood Hussain and not the son of Sk. Chikku. Learned counsel appearing on behalf of the petitioners in the earlier anticipatory bail petition sought permission to withdraw their anticipatory bail petition. Accordingly, the same was dismissed as withdrawn.

Taking into consideration the fact that there is specific allegation that petitioners impersonated themselves as sons of



Sk. Chikku Karim and sold the entire lands of the informant to different persons, I do not find any fresh ground to reconsider the prayer for anticipatory bail of the petitioners. Accordingly, the same is once again rejected.

(Prabhat Kumar Jha, J)

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