

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26044 of 2020

Arising Out of PS. Case No.-521 Year-2018 Thana- SAHARSA COMPLAINT CASE
District- Saharsa

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1. SYED SHAKIL AHMAD Son of Late Syed Shah Anwar Ahmad @ Syed Shah Alam Ahmad. Resident of Village- Raipura, Tola- Rasoolabad, P.S.- Bakhtiyarpur, District- Saharsa- 852127.
 2. Bibi Salma Khatoon Wife of Late Zakaria Ashraf and Daughter of Late Syed Qamruddin Ashraf Resident of Village- Raipura, Tola- Rasoolabad, P.S.- Bakhtiyarpur, District- Saharsa- 852127.
 3. Bibi Rakiba Khatoon Wife of Syed Sabahuddin and Daughter of Late Syed Qamruddin Ashraf Resident of Village- Raipura, Tola- Rasoolabad, P.S.- Bakhtiyarpur, District- Saharsa- 852127.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR.
2. Dev Narayan Ram Son of Late Asharfi Ram Resident of Village- Raipura, Tola- Rasoolabad, P.S.- Bakhtiyarpur, District- Saharsa- 852127.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Syed Masleh Uddin Ashraf, Adv.
For the Opposite Party/s : Mr. Pradeep Narayan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 20-10-2020 The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.

Heard learned counsel for the petitioners and learned counsel for the State.

Petitioners apprehend their arrest in a case registered under Sections 420, 467, 468 of the Indian Penal Code.

As per allegation made in the complaint petition that



complainant got his share in the ancestral land, however, with an intention to grab his land accused persons including petitioners have sold it by means of forged document to co-accused Ganauri Ram and Manauri Ram and in the Panchayati, when the complainant objected, he was abused and threatened of dire consequences.

It has been submitted on behalf of the petitioners that they are innocent and have been falsely implicated in this case. The case has been lodged due to family dispute going on between the parties for which a title suit is also pending in the court below for the same cause of action and complaint has been filed by the complainant to put pressure on the petitioners. Similarly placed co-accused, namely, Syed Maslehuddin Ashraf has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 16.10.2020 passed in Cr. Misc. No. 26228 of 2020. Petitioners have no criminal antecedents.

Considering the facts and circumstances of the case, prayer of anticipatory bail is allowed and petitioners named above in the event of arrest or surrender before the court below within four weeks from today, Petitioners are directed to 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 Judicial Magistrate, Saharsa, in connection with Saharsa Complaint Case No. 521 of 2018 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and their absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel their bail bonds.

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

(S. Kumar, J)

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