

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.22690 of 2021**

Arising Out of PS. Case No.-355 Year-2018 Thana- KORHA District- Katihar

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GULAB HUSSAIN SON OF LATE WOSI AHMAD Resident of Village-
Laxmipur, P.S.- Barari, District- Katihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Mr.Bimal Kumar,Advocate
For the Opposite Party/s	:	Mr.Syed Ehteshamuddin,APP
For the Informant	:	Mr.Praveen Kumar,Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 21-08-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court

Heard learned counsel for the petitioner, learned counsel for the informant and Mr. Syed Ehteshamuddin, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Korha P.S. Case No. 355 of 2018 registered for the offences punishable under Sections 406, 420, 467, 468, 506/34 of Indian Penal Code. He is in custody since 20.12.2020.

As per the prosecution story, this petitioner along with two others sold a piece of land to the informant's family after receiving a sum of Rs.8,40,000/-. The land was mutated in the name of the informant but thereafter it is alleged that when she went there on the piece of land she was told by one Ravindra Bhagat that he had got a

sale deed in respect of the land prior to the informant. The allegation is that this petitioner had sold the same piece of land twice.

Learned counsel for the petitioner submits that from the materials available in the impugned order itself this Court may notice that this petitioner happens to be the son of the deceased daughter of one late Himayat Miyan. Late Himayat Miyan had three sons and one daughter. This petitioner being nati of said Himayat Miyan claims to have a share in the property. Knowing this fully well the informant purchased the property from the petitioner. Her name was also mutated on the basis of the sale deed. This transaction took place in the year 2016. After two years the present FIR has been lodged, however, it is the specific submission of the petitioner that he has not executed two sale deeds, in fact sale deed executed in favour of Ravindra Bhagat has been executed by Mansur Ali, Md. Mustak Alam and Abid Ali.

Learned counsel for the informant as well as learned APP for the State have opposed the prayer for bail of the petitioner but considering the facts and circumstances of the case, the nature of the dispute and that the petitioner has remained in jail in connection with this case for 8 months, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Korha P.S. Case No. 355 of 2018, subject

to the conditions as laid down under Section 437(3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(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'.