

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35168 of 2020

Arising Out of PS. Case No.-45 Year-2020 Thana- SONEPUR District- Saran

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1. Md. Yahiya, male, aged about 50 years, Son of Late Maulana Usman
 2. Naznin Shama, female, aged about 46 years, Wife of Md. Yahiya
 3. Gulam Mohammad Mustafa, male, aged about 55 years, Son of Md. Yusuf
- All are resident of Bari Masjid Ki Gali, P.S. - Alamganj, District - Patna - 800007.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Samrendra Kumar Jha, Adv.

For the Opposite Party/s : Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 23-03-2021 Heard Mr. Samrendra Kumar Jha, learned counsel

for the petitioners and Md. Aslam Ansari, learned APP for the

State.

The petitioners seek bail in anticipation of their
arrest in connection with Sonapur P.S. Case No. 45 of 2020,
dated 17.01.2020, instituted for the offences under Sections
420, 467, 468 and 471 of the Indian Penal Code and



Section 52(A) of the Wakf Act, 1995.

The petitioner No. 1 is alleged to be the vendor of five kathas of land to petitioner No. 2, who is the vendee. The petitioner No. 3 is said to be the witness to the sale-deed. The accusation in the F.I.R. as against the petitioner No. 1 is of having sold the land of the Shiya Wakf Board which he was not entitled to sell.

The learned counsel for the petitioners has submitted that the land in question was the ancestral property of one late Al Abad Sayed Ali Asad, who has executed *Hiba* (gift) in the name of petitioner No. 1 way-back in the year 2013. Ever since the aforesaid execution of *Hiba*, the petitioner No. 1 had been coming in possession of the said land. Tax receipt and *Khatiyani* in support of the aforesaid contention on behalf of the petitioners have been brought on record.

The learned counsel for the petitioners has submitted that none of the offences of the I.P.C. can at all be said to have been made out from the facts alleged in the F.I.R. So far as Section 52(A) of the Wakf Act, 1995 is



concerned, only a complaint with respect to such offence could have been filed.

Considering the aforesaid submissions made on behalf of the petitioners, they, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Chhapra, Saran in connection with Sonpur P.S. Case No. 45 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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