

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24149 of 2022

Arising Out of PS. Case No.-80 Year-2021 Thana- ARA NAGAR District- Bhojpur

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1. Mohammad Raja Ali @ Suddu Maulvi Son Of Shakir Hussain Resident Of Village - Bal Batra, P.S.- Ara Town, District - Bhojpur.
 2. Parvej Alam @ Sabdar Ali Son of Shakir Hussain Resident of Village - Bal Batra, P.S.- Ara Town, District - Bhojpur.
 3. Tausif Alam Son of Shakir Hussain Resident of Village - Bal Batra, P.S.- Ara Town, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhat Kumar Singh

For the Opposite Party/s : Mr.Madhuri Lata

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 13-10-2022 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners are apprehending his arrest in a case registered for the offences punishable under Sections 420, 467, 468, 406, 34 of the Indian Penal Code.

The prosecution case as per F.I.R is that one of the sons of the informant namely Akbar Ali, his brother-in-law(sala) namely Tausif Alam, wife and other accused with intention to cheat the informant asked the informant to execute a will dividing equal shares of the



properties of the informant to the sons of the informant after his death and also said that in the lifetime of the informant, the properties will remain of the informant. However, the aforesaid accused persons, by cheating the informant, by coercing the informant and by giving threatening to the informant to kill him, got executed a power of attorney from the informant and on the basis of said power of attorney from the informant they are selling the properties of the informant and his other sons. The accused persons have also affixed the photograph of the informant and also put forged signature of the informant.

It is submitted by learned counsel for the petitioners that petitioners have falsely been implicated in this case. The thrust of accusation is against the son, daughter-in-law of the informant. The petitioners are relative of the informant and they have no active role in this case nor they got power of attorney executed in their favour. Moreover, for the alleged occurrence of



20.01.2019, the F.I.R has been registered on 27.01.2021. A Title Suit is also pending between the parties and for a civil nature of dispute the petitioners have been roped in a criminal prosecution. A statement has been made in para 3 of the petition that petitioners have no criminal antecedent.

In the facts and circumstance of the case, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousands) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Ara Town P.S. Case No. 80 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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