

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54857 of 2021

Arising Out of PS. Case No.-441 Year-2021 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

SANJEEV KUMAR SON OF RABINDRA NATH SHARMA R/O
MOHALLA- CLUB ROAD, MITHANPURA, P.S.- MITHANPURA,
DISTRICT- MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 57553 of 2021

Arising Out of PS. Case No.-441 Year-2021 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

1. MUSTAQUE AHMAD Son of Md. Hasim Resident of village - Raksha (Uttar Tola), P.s.- Karza, Distt.- Muzaffarpur.
2. Mohammad Kamre Alam @ Md. Qamre Alam Son of Md. Abdul Salam Resident of village - Mauza Rahimpur, P.S.- Olaup, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 54857 of 2021)

For the Petitioner/s : Mr.Ritesh Kumar

For the Opposite Party/s : Mr.Ram Naresh Ray

(In CRIMINAL MISCELLANEOUS No. 57553 of 2021)

For the Petitioner/s : Mr.Santosh Kumar

For the Opposite Party/s : Mr.APP

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 06-09-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

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

The petitioners apprehend their arrest for the offences alleged under Sections 120(B), 188, 288, 291, 406, 420, 467, 468 and 471 of the Indian Penal Code, registered in connection with Muzaffarpur Town P.S.Case No. 441 of 2021.



The informant of this case is Tax Collector of Municipal Corporation, Muzaffarpur. As per the prosecution case, there is a market belonging to the Municipal Corporation, Muzaffarpur. The building of that market was in dilapidated condition and it was declared abandoned. That building was to be demolished and thereafter new building on that place was to be constructed. As per allegation, one Jakki Ahmad was allottee of that premises in that market. Jakki Ahmad transferred the premises in favour of the petitioner Mustaque Ahmad and Md. Kamre Alam after creating forged sale deed to which he was not authorized. Mustaque Ahmad and Md. Kamre Alam again sold that premises to the petitioner Sanjeev Kumar without having any title and by preparing forged and fabricated document.

The learned counsel for the petitioners has submitted that Jakki Ahmad has never executed any sale deed in favour of the petitioners Mustaque Ahmad and Md. Kamre Alam, rather they are allottees of that premises. He has submitted further that this fact has also been mentioned wrongly that Mustaque Ahmad and Md. Kamre Alam transferred that premises to the petitioner Sanjeev Kumar through sale deed. He has also submitted that the said premises has already been vacated by the petitioners which has been demolished.

This is a disputed fact that the petitioners are allottees of the premises.

Considering the fact that the petitioners do not claim the premises as owner and also considering that they have already vacated the premises, let the petitioners of both the cases, above-named, in the event of their arrest or surrender within four weeks from the date of communication of this order, be released on bail on furnishing bail bond of Rs. 10,000/-(ten



thousand) each, with two sureties of the like amount each to the satisfaction of learned CJM, Muzaffarpur in connection with Muzaffarpur Town P.S.Case No. 441 of 2021(G.R.No.2325 of 2021), subject to the conditions as laid down under Section 438(2) Cr. P.C.

Office shall ensure that all defects are removed by the petitioners within the stipulated time as provided hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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