

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70282 of 2021

Arising Out of PS. Case No.-362 Year-2021 Thana- KRITYANAND NAGAR District-
Purnia

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1. MD. HALIM Son of Late Kokai R/o Village - Jhunni Istambrar, P.S.- K. Nagar, District - Purnia.
 2. Md. Ainul Son of Late SK Madan R/o Village - Jhunni Istambrar, P.S.- K. Nagar, District - Purnia.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikram Singh

For the Opposite Party/s : Mr. Nirmala Kumari

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 20-07-2022 It is submitted by learned counsel for the petitioners that during pendency of this application, petitioner no. 1 has been arrested and, as such, he seeks permission to withdraw this application.

In view of the aforesaid submission, this application is dismissed as withdrawn against petitioner no. 1.

So far as petitioner no. 2 is concerned the instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with K. Nagar P.S. Case no. 362 of 2021 instituted for the offence under Sections 406, 420 and 34 of the Indian Penal Code.

It is a case of partition of joint family property. When



the informant made protest regarding execution of her share then petitioner along with other co-accused persons extended threat to her with dire consequences. It is further alleged that the petitioner along with others with common intention committed breach of trust and forgery with her after executing sale deed of her share in ancestral property.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. The present case has been filed after a delay of 30 years without any reasonable explanation. The matter relates to civil dispute.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner no. 2 on bail. The petitioner no. 2 is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with K. Nagar P.S. Case no. 362 of 2021, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Purnea



subject to the conditions as laid down under section 438(2) of
the Cr.P.C.

(Sunil Kumar Panwar, J)

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