

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15015 of 2023

Arising Out of PS. Case No.-664 Year-2017 Thana- ARA NAGAR District- Bhojpur

1. MD. SIRAJ Son of Late Mumtaz Resident of Village - Bind Toli, Shivnath Mandir, P.S.- Ara Town, District - Bhojpur.
2. Md. Shamshad Son of Late Mumtaz Resident of Village - Bind Toli, Shivnath Mandir, P.S.- Ara Town, District - Bhojpur.
3. Md. Aftab Son of Late Mumtaz Resident of Village - Bind Toli, Shivnath Mandir, P.S.- Ara Town, District - Bhojpur.
4. Naseema Khatoon Wife of Late Mumtaz Resident of Village - Bind Toli, Shivnath Mandir, P.S.- Ara Town, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Fakhruddin Ali Ahmad, Adv.

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 24-05-2023 Heard learned counsel for the petitioners and the learned APP for the State.

The petitioners are apprehending their arrest in connection with Ara Town P.S. Case No. 664 of 2017, dated 22-12-2017, registered for the offence punishable under Sections 341, 323, 379, 419, 420, 506 and 34 of the Indian Penal Code.

The informant has alleged that she has received some plot of land from her father under a gift deed dated 19-10-2011. Co-accused, namely, Md. Riyaz has allegedly fabricated a



document, based on which, he is also asserting right, title and interest in the land in-question. For asserting his rights, he has taken the help of instant petitioners, who have assaulted the informant in the process.

It is submitted by the learned counsel for the petitioners that the allegation of forging or fabricating document, even as per prosecution case, is against co-accused, namely, Md. Riyaz. It is submitted that the parties are agnates and claiming right to the same land and there is no injury report to sustain the allegation of assault against the instant petitioners. The petitioners nos. 1, 2 and 3 were earlier implicated in Gandhi Maidan (Patna) PS case number 185 of 2015, in which they are on bail and there is no allegation of misuse of bail till date.

The learned APP for the State has opposed the prayer for bail.

Considering the nature of allegations not supported by any injury in the background of subsisting land dispute between the family members, this Court, for the limited purposes of grant of bail, is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for bail is allowed.

Accordingly, 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 bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM Ara, Bhojpur in connection with Ara Town P.S. Case No. 664 of 2017, dated 22-12-2017, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also the following conditions:

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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