

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61258 of 2023

Arising Out of PS. Case No.-392 Year-2019 Thana- SITAMARHI District- Sitamarhi

1. KHUSHNASHIB KHATOON W/O MD. TUFAIL ALAM R/O VILLAGE-KACHOR, PS. KANHAULI, WARD- 06, DIST. SITAMARHI
2. MD. BASARAT KARIN @ MD. BASARAT KARIM S/O MD. JANNAT HUSSAIN R/O VILLAGE- MEHSAUL EAST, PS. SITAMARHI, DIST. SITAMARHI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shubham, Advocate
For the Opposite Party/s : Ms.Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 16-10-2023 Heard learned Counsel for the petitioners and
learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Sitamarhi (Mehsaul) P.S. Case No. 392 of 2019, disclosing offences under Sections 420, 406 of the Indian Penal Code.

3. As per the First Information Report, the allegation is that the informant has been living with her four minor children in the house constructed by her mother-in-law namely Mosmat Maitun Khatoon under the *Pradhanmantri Awas Yojana*, which has been sold by her mother-in-law in favour of the petitioners, in collusion with other accused



persons.

4. Learned Counsel for the petitioners submits that petitioners are not aware about the fact that the house purchased by petitioner no. 1, of which the petitioner no. 2 is the identifier, was constructed under *Pradhanmantri Awas Yojana*. He further submits that mother-in-law of the informant has sold the house in question in favour of petitioners and merely because petitioner no. 1 is purchaser and petitioner no. 2 is identifier, they have been made accused in the present case.

6. Regard being had to the submissions advanced on behalf of the petitioners and taking into account the fact that petitioner no. 1 is a purchaser and petitioner no. 2 is identifier of the said house sold by the mother-in-law of the informant, I am inclined to grant the privilege of anticipatory bail to the petitioners.

7. This application is, accordingly, allowed.

8. Let petitioner, abovenamed, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in



connection with Sitamarhi (Mehsaal) P.S. Case No. 392 of
2019, subject to the condition laid down under Section 438
(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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