

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63553 of 2023

Arising Out of PS. Case No.-719 Year-2022 Thana- ARARIA District- Araria

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1. Wajhul Kumar @ Md. Wajhul Kumar, Son of Md. Jalal Ahmad R/o vill - Safi Pur, ward no. 7, P.S. and distt. - Araria
 2. Saddam @ Saddam Hussain, Son of Md. Jalal Ahmad R/o vill - Safi Pur, ward no. 7, P.S. and distt. - Araria

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 17-10-2023 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners in the present case are seeking pre-arrest bail in connection with Araria P.S. Case No. 719 of 2022 registered for the offences punishable under Sections 467, 468, 420/34 of the Indian Penal Code. They have got no criminal antecedent.

3. As per the prosecution story, co-accused Md. Jalal Ahmad had executed two sale deeds of the land of total area 1 acre and 27 decimals in the year 2002 and 2003 in favour of the informant with the help of his sons namely, Wajhul Kumar (petitioner no. 1) and Saddam (petitioner no. 2) and since then he is in physical possession of the said property. It is alleged that



the father of the petitioners had committed fraud upon the informant by executing the sale deed of the piece of land which belong to his cousin brother (Rafique) and now the sons of Rafique are claiming the said land.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that at the time of alleged execution of the sale deed, petitioner nos. 1 and 2 were about 13 years and 4 years old respectively and they had no role to play in the alleged transaction.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Having regard to the facts and circumstances of the case wherein it is submitted that the alleged sale deeds were executed in the year 2002-03 and the dispute in question has arisen at this stage saying that the father of the petitioners had executed the sale deed of the piece of land which belong to the cousin brother of the father of the petitioners, in the nature of the dispute and the submission that at the time of alleged execution of the sale deed, the petitioner nos. 1 and 2 were aged about 13 years and 4 years old respectively and they had no role to play in the alleged transaction, this Court directs that in case of their arrest or surrender within a



period of six weeks from today, the petitioners above named be released on bail in connection with Araria P.S. Case No. 719 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Araria, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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