

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71464 of 2023

Arising Out of PS. Case No.-274 Year-2023 Thana- ISLAMPUR District- Nalanda

1. Md. Imtiyaz aged about 30 years (Male).
2. Md. Mumtaz @ Sonu aged about 45 years (Male)
Both sons of Md. Ziyauddin.
3. Ashardi Khatoon @ Raushan Khatun aged about 63 years (Female) wife of
Md. Ziyauddin.
All resident of village - Kajiyana Ward No.10 Islampur, Police Station -
Islampur, District - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate
For the Opposite Party/s : Mr. Binod Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 07-11-2023 Heard Mr. Anil Kumar Singh, learned counsel

appearing on behalf of the petitioners and Mr. Binod Kumar,

learned APP for the State.

2. The petitioners seek pre-arrest bail in connection
with Islampur P.S. Case No. 274 of 2023 registered for the
offence punishable under Sections 406, 420, 504 and 506/34 of
the Indian Penal Code.

3. Allegation is of committing forgery of Rs.
3,50,000/- on the basis of alleged sale of land not belonging to
the father of the petitioner nos. 1 and 2 and husband of the
petitioner no. 3.



4. Learned counsel appearing on behalf of the petitioners submitted that the alleged forgery has been committed by the father of the petitioner nos. 1 and 2 and husband of the petitioner no. 3, who has already been granted pre-arrest bail by the learned Additional Sessions Judge-IV, Hilsa, Nalanda, whereas, the petitioners has not been granted bail by the learned Sessions Judge, Nalanda, Camp Court, Hilsa. He further submitted that a panchayati was held and it was amicably settled that Md. Jiyauddin will return the entire amount of Rs. 3,50,000/- to the informant and Md. Jiyauddin has already returned back the entire amount to the informant and the agreement to that extent was also entered into by Md. Jiyauddin with the informant. The informant has put his signature on the stamp paper total amounting to Rs. 3,50,000/-. Petitioners being innocent and not bounded by the agreement, which has been entered by Md. Jiyauddin deserve to be released on Pre-arrest bail.

5. Learned counsel appearing on behalf of the informant submitted that petitioners are main accused and co-accused Md. Jiyauddin is nowhere involved in the alleged offence. Panchayati was held in presence of the co-accused Md. Jiyauddin, his two sons and wife and the informant, wherein



Md. Jiyauddin had agreed to return back the entire amount of Rs. 3,50,000/- to the informant.

6. Learned APP for the State submitted that from the order dated 10.10.2023 of the learned District Court, it appears that the main accused, who had entered into the agreement with the informant as per the allegation made in the FIR, has been released on bail by the learned Additional Sessions Judge-IV, Hilsa, Nalanda. At the same time, the petitioner nos. 1 and 2, who are the son of the co-accused Md. Jiyauddin and petitioner no. 3, who is the wife, have been denied the benefit of pre-arrest bail by the learned Sessions Judge, Nalanda, Camp Court, Hilsa.

7. Having considered the rival submission made on behalf of the parties, as well as, the allegation made in the FIR is of committing forgery by the co-accused Md. Jiyauddin and the petitioner nos. 1 and 2 being sons of the said co-accused and petitioner no. 3 being wife of the co-accused, Md. Jiyauddin, as well as, from the material available it appears that the informant has received entire amount of Rs. 3,50,000/- as per the agreement entered into between Md. Jiyauddin and the informant. I am of the opinion that petitioners have, *prima facie*, made out a case to be released on pre-arrest bail.

8. The petitioners, above named, are directed to be



released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Hilsa, Nalanda, in connection with Islampur P.S. Case No. 274 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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