

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68971 of 2022

Arising Out of PS. Case No.-92 Year-2021 Thana- DHAMDAHA District- Purnia

1. GAFFFAR ANSARI @ GAFFFAR MIYAN SON OF JAHRUDDIN ANSARI R/O VILL.- CHANDRAHI WARD NO. 14, P.S.- DHAMDAHA, DISTT.- PURNEA
2. AMALUDDIN SON OF LATE KARIMUDDIN R/O VILL.- CHANDRAHI WARD NO. 14, P.S.- DHAMDAHA, DISTT.- PURNEA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar
For the Opposite Party/s : Mr.Tapeshwar Sharma

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 27-03-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners seek bail in a case registered for the offences punishable under Sections 323, 341, 406, 420/34. 467, 468 and 120(B) of the I.P.C.

According to prosecution case, there is allegation against the petitioners that they along with other co-accused persons fraudulently got the land mutated in favour of the sons of the informant showing the informant dead.

Learned counsel for the petitioners submits that the petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the



allegation in the F.I.R. is that the petitioners and other accused persons have committed forgery. He further submits that the mutation of the land was made in favour of co-accused persons. He further submits that the petitioners are the witnesses of the family partition deed and they have no concern at all with the alleged occurrence and the petitioners are not the beneficiaries of the deed in question. He further submits that in fact the father of the co-accused persons have lodged the present F.I.R. and the beneficiary of the deed in question namely, Md. Sajjad @ Sajjad Alam has been granted bail vide order dated 14.10.2022 passed in Cr. Misc. No. 39301 of 2022 and the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 28.09.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer of bail of the petitioners.

Considering the aforesaid facts and circumstances, let the petitioners, above named, 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 court below where the case is pending, in connection with Dhamdaha P.S. Case No. 92 of 2021, subject to the following conditions:-

- 1. Petitioners shall co-operate in the trial and shall be properly represented on each and every*



date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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.

(Rajesh Kumar Verma, J)

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