

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13953 of 2024

Arising Out of PS. Case No.-480 Year-2022 Thana- PHULWARIYA District- Gopalganj

1. MAJID MIYAN @ ABDUL MAZEED @ A. MAZEED SON OF LATE MOHTAB MIYAN RESIDENT OF VILLAGE- PANDEY PARSA, PS-PHULWARIYA (FULWARIYA), DISTT- GOPALGANJ
2. SAJID RAJA ANSARI SON OF MAINUDDIN ANSARI RESIDENT OF VILLAGE- PANDEY PARSA, PS- PHULWARIYA (FULWARIYA), DISTT- GOPALGANJ
3. RAJBULLAH SON OF ABDUL MAZEED @ MAJID MIYAN @ A. MAJEED RESIDENT OF VILLAGE- PANDEY PARSA, PS-PHULWARIYA (FULWARIYA), DISTT- GOPALGANJ

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Amir Ain son of Late Intaj Miya Village- Pakauli Narayan Ps-Phulawariya Dist- Gopalganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Avnish Kumar Singh, Advocate
For the Opposite Party/s : Mr. Shantanu Kumar , APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 04-07-2024 Heard learned counsel for the petitioners and the State.

2. Petitioners apprehend their arrest in a case registered for the offence punishable under sections 420, 467, 468 , 471 , 323 , 341 , 379, 504 and 34 of the Indian Penal Code .

3 . As per the prosecution case, it is alleged that petitioner No. 1 got sale deed executed in his favour on 06.03.2021 from co-accused Sheikh Samsuddin by committing



foregery . It is further alleged that these petitioners along with other co-0accused persons abused and assaulted the informant and also looted the paddy crops of informant planted in the land in question .

4. It is submitted on behalf of the petitioners that co-accused *Shamsuddin* is full brother of *Bibi Kabulan* and name of their father is Late *Sheikh Buniyad*. Petitioner No. 1 is purchaser, petitioner No. 2 is witness to the land in question . It was co-accused *Shamsuddin* who executed the sale deed in favour of petitioner No. 1 and he is the bonafide purchaser of the land in question . So far as petitioner No. 3 is concerned, allegation against him is of abuse and to cut away the paddy from the land in question but there is no date and time mentioned in the F.I.R. as such, no criminal offence is made out against these petitioners. Petitioners claim clean antecedent.

5. Learned counsel for the State oppose the bail petition.

6. Considering the aforesaid facts and circumstances of the case, in the event of arrest or surrender within six weeks from today, let the petitioners, as named above, be enlarged 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 ACJM – XVI , Gopalganj in connection with Phulwariya
P.S. Case No. 480 of 2022 , subject to the conditions laid down
under section 438(2) of the Code of Criminal Procedure .

(Prabhat Kumar Singh, J)

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