

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15058 of 2024

Arising Out of PS. Case No.-1394 Year-2022 Thana- COMPLAINT CASE District- Araria

1. MD. JUNED ALAM SON OF MD. NAIMUDDIN RESIDENT OF VILLAGE - JHAMTA, WARD NO.11, P.S. - TARABARI, DISTRICT - ARARIA
2. BIBI RUKHSANA KHATOON WIFE OF MD. NAIMUDDIN RESIDENT OF VILLAGE - JHAMTA, WARD NO.11, P.S. - TARABARI, DISTRICT - ARARIA
3. JAHIM SON OF MD. NAIMUDDIN RESIDENT OF VILLAGE - JHAMTA, WARD NO.11, P.S. - TARABARI, DISTRICT - ARARIA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. BIBI MAHMOODA WIFE OF LATE KAMRUDDIN RESIDENT OF VILLAGE - BANSBARI, W. NO. 12, P.S. AND DISTRICT - ARARIA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Naushaduzzoha, Advocate
For the Opposite Party/s : Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 12-03-2024 **1.** Heard learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor appearing on behalf of the State.

2. All accused/petitioners are named in the complaint petition and apprehended their arrest in connection with Complaint Case No. 1394 C of 2022 in which cognizance has been taken for the offences punishable under Section 419 and 420 of the Indian



Penal Code.

3. The allegation against the petitioners is to cheat informant, where petitioner no. 2 executed sale deed in favour of petitioner nos. 1, where petitioner no. 3 is attesting witness.

4. Learned counsel appearing on behalf of all the petitioners submitted that complainant and petitioner no. 2 both are real sisters and co-parcener of property, which is core of the present dispute. It is submitted that petitioner no. 2 being co-sharer executed sale deed in favour of petitioner no. 1, who is none but her son, where petitioner no. 3 is only an attesting witness for sale deed and also son of petitioner no. 2. It is submitted that alleged occurrence is of 11.03.2022 for which complaint was lodged on 16.07.2022 i.e., after four months, which suggests, *prima facie*, false and formulated implication by complainant.

5. Learned APP appearing on behalf of the State, opposes the prayer for bail.



6. In view of the facts and circumstances as mentioned above and by taking note of the fact, as petitioners are, *prima facie*, co-sharers of the complainant, accordingly the petitioner above named, in the event of their arrest or surrender before the learned Court below within a period of four weeks, are directed to be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Araria/concerned Court where the case is pending in connection with Complaint Case No. 1394 C of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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