

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 17829 of 2024

Arising Out of PS. Case No.-383 Year-2023 Thana- BARSOI District- Katihar

1. JALALUDDIN SON OF AMIRUDDIN RESIDENT OF VILLAGE - POKHRIYA, POLICE STATION - BARSOI, DISTRICT - KATIHAR
2. MD SHARIF SON OF JALALUDDIN RESIDENT OF VILLAGE - POKHRIYA, POLICE STATION - BARSOI, DISTRICT - KATIHAR
3. MD MITHUN SON OF JALALUDDIN RESIDENT OF VILLAGE - POKHRIYA, POLICE STATION - BARSOI, DISTRICT - KATIHAR
4. SARFUDDIN SON OF JALALUDDIN RESIDENT OF VILLAGE - POKHRIYA, POLICE STATION - BARSOI, DISTRICT - KATIHAR
5. MD AKHTAR SON OF JALALUDDIN RESIDENT OF VILLAGE - POKHRIYA, POLICE STATION - BARSOI, DISTRICT - KATIHAR
6. MD AASIF SON OF MD. LATIF RESIDENT OF VILLAGE - POKHRIYA, POLICE STATION - BARSOI, DISTRICT - KATIHAR
7. DHANUA @ DHANAULLAH SON OF HAKIMUDDIN RESIDENT OF VILLAGE - POKHRIYA, POLICE STATION - BARSOI, DISTRICT - KATIHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Md Ejaz Akhtar, Advocate
For the Opposite Party/s : Mr Pranav Kumar, APP

CORAM: HONOURABLE MR JUSTICE KHATIM REZA

ORAL ORDER

2 19-03-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2 The petitioners apprehend arrest in connection with
Barsoi PS Case No 383 of 2023 dated 29.11.2023 instituted
under Sections 341, 323, 354, 379, 420, 467, 468, 471, 472/34
of the Indian Penal Code.



3 The prosecution case is that petitioner No 1, namely, Md Jalaluddin @ Jalaluddin has filed an application before Gram Kutchery Kamraul, Prakhhand – Barsoi for obtaining genealogical tree of the family (wanshawali). The informant alleged that the said genealogical tree and details of the family members have wrongly been mentioned before the Authority and the same is forged and fabricated wanshawali obtained from the Anchal Office, Barsoi.

4 The learned counsel for the petitioners submits that the petitioners and the informant belong to common ancestor, namely, Sheikh Sagar urf Sheikh Saudagar Ali. The learned counsel for the petitioners further submits that the Wanshawali issued in favour of the petitioners are correct and genuine. It is also submitted that the informant has not challenged the genealogical tree of the petitioners before any competent Civil Court and due to land dispute, the present case has been lodged. It is submitted that petitioners No 1, 2 and 7 have one case against them and petitioners No 3, 4, 5 and 6 have no criminal antecedent.

5 Learned APP has opposed the prayer for bail.

6 Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in



the event of arrest or surrender before the Court below within six weeks from today, the petitioners shall be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate I, Katihar in Barsoi (Kachna OP) PS Case No 383 of 2023 dated 29.11.2023 subject to the conditions as laid down in Section 438 (2) of the Code of Criminal Procedure, 1973, and further (i) that the petitioners shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be their own blood relation, preferably father, mother, brother, sister and/or wife, (iii) that the bailor shall also state on affidavit that he will inform the Court concerned if the petitioners are made accused in any other case of similar nature after their release in the present case and, thereafter, the Court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that 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.



7 The application stands allowed.

(Khatim Reza, J)

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