

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28485 of 2024

Arising Out of PS. Case No.-270 Year-2023 Thana- JOGBANI District- Araria

1. Mustak Dhuniya S/O Late Nur Miya @ Nur Mohammad R/O Fena, Belahi, Ward No. 11, Bathnaha, P.S- Jogbani, Distt.- Araria.
2. Salil @ Md. Salil @ Md. Jalil S/O Late Farmud @ Late Farmud Miya R/O Fena, Belahi, Ward No. 11, Bathnaha, P.S- Jogbani, Distt.- Araria.
3. Kalamuddin @ Kalamuddin @ Kalauddin S/O Late Saful R/O Fena, Belahi, Ward No. 11, Bathnaha, P.S- Jogbani, Distt.- Araria.
4. Samsul @ Md. Samsul S/O Late Md. Khalil @ Khalil R/O Fena, Belahi, Ward No. 11, Bathnaha, P.S- Jogbani, Distt.- Araria.
5. Jaleel @ Salil @ Md. Jaleel S/O Late Farmud @ Late Farmud Miya R/O Fena, Belahi, Ward No. 11, Bathnaha, P.S- Jogbani, Distt.- Araria.
6. Hafaj @ Md. Hafaj S/O Late Tahir @ Late Tahir Miya R/O Fena, Belahi, Ward No. 11, Bathnaha, P.S- Jogbani, Distt.- Araria.
7. Md. Kaiyum S/O Islam R/O Fena, Belahi, Ward No. 11, Bathnaha, P.S- Jogbani, Distt.- Araria.
8. Jubarail @ Md Jubarail S/O Late Khaleel R/O Fena, Belahi, Ward No. 11, Bathnaha, P.S- Jogbani, Distt.- Araria.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Abhimanyu Deo, Advocate
For the Opposite Party : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 12-07-2024 Heard Mr. Abhimanyu Deo, the learned counsel for the petitioners, the learned counsel for the informant and Mr. Nitya Nand Tiwary, the learned Additional Public Prosecutor for the State.

2. After some arguments, learned counsel for the petitioners seek permission to withdraw the anticipatory bail



application with respect to petitioner no. 1 namely, Mustak Dhuniya.

3. Permission, as prayed for, is accorded.

4. Accordingly, the anticipatory bail application with respect to petitioner no. 1 is dismissed as withdrawn.

5. The petitioner nos. 2 to 8 are apprehending their arrest in connection with Jogbani (Bathnaha) PS Case No. 270 of 2023, FIR dated 02.11.2023, registered for the offences punishable under Sections 147, 148, 149, 341, 384, 467, 468, 469, 504, 506 and 120(B) of the Indian Penal Code.

6. According to the prosecution case, a total of 366 decimal land is registered in the survey of Khatian in the names of informant's grandfather namely, Late Shobhan Miyan and Farikeen Dhodi Miyan, Lakshman Miyan, Fermud Miyan each share 91.50 decimal. It is further alleged that the accused persons variously armed and under a conspiracy stopped the informant from farming and upon his protest, co-accused Mustak demanded an extortion of Rs. 50,000/- (Rupees fifty thousand). It is further alleged that the opposition fraudulently and illegally sold the land from the opposition Kalamuddin in the year 2022 and the same year, the opposition bought the previously sold land in their names by tricking and illegally



tempering with the Jamabandi page worked to sell.

7. Learned counsel for the petitioner nos. 2 to 8 submits that petitioner nos. 2 to 8 have falsely been implicated in the present case and the allegations levelled in the FIR are false and fabricated and petitioner nos. 2 to 8 have not committed any offence as alleged in the FIR. He further submits that for the same set of land in question, a title suit no. 493 of 2022 is pending between the parties before the competent Court of law.

8. The learned counsel for the informant as well as the learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner nos. 2 to 8 and submits that petitioners nos. 2 to 8 have committed fraud and sold of the land in question and also demanded ransom from the family members of the informant. Apart from that, petitioner no. 2 carries two criminal antecedents and petitioner nos. 2, 4, 5, 6, 7 and 8 have clean antecedents.

9. Considering the aforesaid facts and circumstances, let the petitioner nos. 2 to 8, above-named, in the event of their arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released



on anticipatory 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 Chief Judicial Magistrate, Araria, where the case is pending in connection with **Jogbani (Bathnaha) PS Case No. 270 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioner nos. 2 to 8 shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioner nos. 2 to 8 tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the learned trial Court shall verify the criminal antecedent of the petitioner nos 2 to 8 and in case, at any stage, it is found that the petitioner nos. 2 to 8 have concealed their criminal antecedent, the learned trial Court 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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