

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39883 of 2024

Arising Out of PS. Case No.-125 Year-2023 Thana- BARAULI District- Gopalganj

1. Khurshid Alam Son of Late Nurul Haque R/O Village/At- Barauli, P.S. Barauli, District- Gopalganj
2. Jainul Abudin @Jainul Abedin Son of Late Abdul Rahman R/O Village/At- Barauli, P.S.- Barauli, District-Gopalganj

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Javed Aslam, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 03-07-2024 At the outset, learned counsel for the petitioner prays
for withdrawal of the prayer for grant of relief with regard to
petitioner No. 1 (Khurshid Alam).

2. Permission accorded.

3. The anticipatory bail application of petitioner No. 1
(Khurshid Alam) is dismissed as withdrawn.

4. Heard the parties.

5. The petitioner is apprehending his arrest in
connection with Barauli P.S. Case No. 125 of 2023 for the offence
under Sections 420, 467, 468, 471, 120(b) and 34 of the I.P.C.
lodged on 21.03.2023 by the informant, Dwarika Nath Gupta.

6. As per the prosecution story, the informant alleged
that his peaceful possession of a land, jamabandi standing in the
Government Revenue Records in his name as also of his wife but
under conspiracy and only to grab the land, a forged sale deed
prepared which was never presented before any registry office and
on the basis of that 1948 forged sale deed, they are trying to grab



the land. Accordingly, the FIR.

7. Learned counsel for the petitioner No. 2 (Jainul Abudin @ Jainul Abedin) submits that he is uncle of the petitioner No. 1 (Khurshid Alam), the issue is primarily between the petitioner No. 1 and the informant's side as Khurshid Alam has preferred Title Suit No. 1007 of 2022, he do not have criminal antecedent and is ready to cooperate in the investigation/face the trial, if granted relief.

8. Learned APP opposes the prayer submitting that though, the document alleged to have been prepared by petitioner No. 1 who has also filed title suit, the name of petitioner No. 2 has also come in the FIR in paragraph-6 itself.

9. A perusal of the FIR would show that it is mainly the petitioner No. 1 who is alleged to have created document and has also filed title suit forcing the informant to lodge an FIR, this petitioner is an aged person, do not have criminal antecedent and is ready to face the investigation/trial, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

10. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned CJM, Gopalganj in connection with Barauli



P.S. Case No. 125 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioner No. 2 (Jainul Abudin @ Jainul Abedin) who shall provide official document to show his/her bona fide;

(ii) the petitioner No. 2 (Jainul Abudin @ Jainul Abedin) shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner No. 2 (Jainul Abudin @ Jainul Abedin) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner No. 2 (Jainul Abudin @ Jainul Abedin) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

U		T	
---	--	---	--

