

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52329 of 2024

Arising Out of PS. Case No.-433 Year-2023 Thana- CHIRAIYA District- East Champaran

Kaushar Alam Son of Rajadin Miyan@ Rojadin Miyan Resident of Vill-
Kadtari Tola Senu-Wariya, P.S.- Chiaiya, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhurendra Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-08-2024 Heard Mr.Dhurendra Kumar, learned counsel for the

petitioner and Mr.Ashok Kumar Singh,learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Chiraiya P.S.Case No.433 of 2023, corresponding to G.R.No.1040 of 2023, FIR dated 15.09.2023 registered for the offences punishable under Sections 323,420,467,468,384,34 of IPC.

3. According to prosecution case, the accused Jakina Khatoon in connivance with her husband and family members sold the land of the informant through two sale deeds in favour of the petitioners, after preparing forged sale deeds showing her title and possession. It is further alleged that accused persons, while holding country-made pistols, threatened the informant



that if he wants to keep the said land, he will have to pay Rs. 50,00,000/- (rupees fifty lakhs) as rangadari, otherwise they will murder him and his family members.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR and the petitioner and other co-accused persons have been made accused in the present case merely on the ground that the petitioner is son of co-accused Jakina Khatoon and from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt-act or demand of ransom from the side of the petitioner and the co-accused persons, namely, Jakina Khatoon, Naushad Alam @ Naushad Alam and Shahid Nagama @ Shahida Najma have been granted privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 12.03.2024 passed in Cr.Misc. No.11911 of 2024 and co-accused persons, namely, Tiwary Rai @ Shree Tiwary, Tevari Ray and Priyanka Kumari have also been granted privilege of anticipatory bail by this Court vide order dated 02.04.2024 passed in Cr.Misc. No.18485 of 2024.

5. Learned A.P.P. for the State has vehemently



opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts, petitioner has clean antecedent, there is no specific allegation of any assault, overt-act or demand of ransom from the informant and the co-accused persons have been granted anticipatory bail by this Court or by a Coordinate Bench of this Court, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Sikrahna at Dhaka in connection with Chiraiya P.S.Case No.433 of 2023, corresponding to G.R.No.1040 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers 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 court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his/her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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