

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60388 of 2023

Arising Out of PS. Case No.-274 Year-2023 Thana- PHULWARISHARIF District- Patna

MD.SHABARI @ NAJJU KATIB @ MD SABRI SON OF LATE MD.
IZHARUL HAQUE @ MD. IZHAR MOHALLA- ISOPUR MAKHDOOM
RASTI NAGAR, PO AND PS- PHULWARI SHARIF, DIST- PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 64380 of 2023

Arising Out of PS. Case No.-274 Year-2023 Thana- PHULWARISHARIF District- Patna

MD. AKBAR ANSARI Son of Md. Gaffar Ansari R/o Mohalla - Dariyapur,
P.S. - Paliganj, P.O. - Paliganj, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 60388 of 2023)

For the Petitioner/s : Mr. Kumar Rajeev

For the Opposite Party/s : Mr. Tarun Prasad Mandal

(In CRIMINAL MISCELLANEOUS No. 64380 of 2023)

For the Petitioner/s : Mr. Praveen Prakash

For the Opposite Party/s : Mr. Anish Chandra

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

9 07-08-2024

CRIMINAL MISCELLANEOUS No.60388 of 2023

1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. No one appears on behalf of the informant even
today.

3. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 406, 420,
467, 468, 471, 504 and 120B of the Indian Penal Code.

4. Learned counsel appearing on behalf of petitioner



submits that when the case was taken up on 14.05.2024, it was submitted on behalf of the informant that petitioner is cousin maternal nephew of the informant and petitioner in connivance with the accused persons by preparing forged *Aadhaar* Card of the informant got his land sold to Md. Akbar Ansari.

5. Learned counsel for the petitioner submits that a supplementary affidavit has been filed on behalf of the petitioner wherein genealogical table of the petitioner has been given and from perusal of the same, it would manifest that petitioner is not related to the informant in any manner. It is further submitted that petitioner is merely a scribe and he came to be implicated in the instant case by the informant with an allegation that the accused persons including the petitioner in connivance with each other sold his land fraudulently by impersonating. The learned counsel next submits that petitioner will not abscond rather will co-operate in the investigation to prove his innocence.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court



within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Phulwarisharif P.S. Case No. 274 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that petitioner despite giving assurance to this Court is not co-operating in the investigation or is not presenting himself as and when required, in that event the learned Trial Court shall be at liberty to forthwith cancel the bail bonds of the petitioner.

9. It is further made clear that if charge sheet is submitted connecting the petitioner with the offence in that event the present anticipatory bail order shall lose its effect.

CRIMINAL MISCELLANEOUS No. 64380 of 2023

1. Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. No one appears on behalf of the informant even today.



3. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 406, 420, 467, 468, 471, 504 and 120B of the Indian Penal Code.

4. Learned counsel appearing on behalf of petitioner submits that petitioner has been falsely implicated in the instant case by the informant with an allegation that his land was purchased by the petitioner fraudulently with the help and connivance of the accused persons named in the FIR. It is next submitted that petitioner purchased the land in question by a sale deed duly executed by the owner of the land after paying the entire consideration, but then the instant FIR came to be instituted implicating the petitioner with the aforesaid allegation. It is also submitted that petitioner disputes that the land belongs to the informant, it is submitted that petitioner purchased the land after verifying that it was being sold by its true owner. It is also submitted that petitioner will not abscond rather will co-operate in the investigation to prove his innocence.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the



event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Phulwarisharif P.S. Case No. 274 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that petitioner despite giving assurance to this Court is not co-operating in the investigation or is not presenting himself as and when required, in that event the learned Trial Court shall be at liberty to forthwith cancel the bail bonds of the petitioner.

8. It is further made clear that if charge sheet is submitted connecting the petitioner with the offence in that event the present anticipatory bail order shall lose its effect.

9. Accordingly, the instant anticipatory bail application stands allowed.

(Satyavrat Verma, J)

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