

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67889 of 2024

Arising Out of PS. Case No.-404 Year-2015 Thana- GAYA COMPLAINT CASE District-
Gaya

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1. Saheena Parween W/o- Mozahidul Hussain @ Mojahidul Khan Ro Village-Sherpur PS-Chandauti District- Gaya
 2. Md. Saffullah Son of Md. Late Eahekam @ Md. Late Eahekam Marhum Ro Village- Amraha PS-Chandauti District- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Sakila Bano W/o- Md. Mobinul Haque, D/o- Abul Hasan Marhum Village-Kurisarai Ps- Belaganj Dist- Gaya

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 68863 of 2024

Arising Out of PS. Case No.-404 Year-2015 Thana- GAYA COMPLAINT CASE District-
Gaya

-
1. Ashrafi Khatoon @ Kari @ Shakeela Bano W/o Md. Atullah @ Mohammad Ataullah @ Md. Attaullah, D/o Late Abdul Hassan @ Abul Hassan R/o Village- Dabba, P.S.- Chakand, District- Gaya, presently resident of Village- Insan School, Shiksha Nagar, Ward No.2, P.S.- Kishanganj, District- Kishanganj
 2. Md. Atullah @ Mohammad Ataullah @ Md. Attaullah Son of Late Hussain @ Md. Nawab Hussain R/o Village- Dabba, P.S.- Chakand, District- Gaya, presently resident of Village- Insan School, Shiksha Nagar, Ward No.2, P.S.- Kishanganj, District- Kishanganj

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Sakeela Bano Wife of Md. Mobinul Haque, D/o Late Abul Hasan R/o Village- Kurisarai, P.S.- Belaganj, District- Gaya

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 67889 of 2024)
For the Petitioner/s : Mr.Ajay Kumar Sinha
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary
(In CRIMINAL MISCELLANEOUS No. 68863 of 2024)
For the Petitioner/s : Mr.Najeeb Ahmad
For the Opposite Party/s : Mr.Ram Sevak Choudhary



CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-10-2024 Heard Mr. Ajay Kumar Sinha, learned counsel for the petitioners in Criminal Miscellaneous No. 67889 of 2024 and Mr. Najeeb Ahmad in Criminal Miscellaneous No. 68863 of 2024.

2. The petitioner is apprehending his arrest in connection with Complaint Case No. 404 of 2015 for the offence under Sections 419, 420, 467 and 468/34 of the I.P.C.

3. As per the case, the complainant alleged that her own sister Asharfi Khatoon sold the land to complainants brothers by gifted by her father. Asharfi Khatoon falsely represented herself as Shakeela Bano and sold it to Saheena Parween. Accordingly the case.

4. Learned counsel for the petitioner submits that in a pure civil dispute, they have been implicated. Further, they had absolutely no knowledge of the case which resulted into inordinate delay.

5. Learned APP on the other hand opposes the prayer submitting that the complaint is of the year 2015 in which the cognizance was also taken but the petitioners have delayed coming to the Court.

6. Though there is delay in approaching the Court,



considering the facts of the case, the matter between the family and the purchaser is/are there, it has been undertaken by the learned counsel for the petitioners they will be diligently appearing in trial without any fail and failure to do so the Trial Court will be free to cancel their bail bonds, this Court is inclined to extend him the privilege of anticipatory bail.

7. 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 Judicial Magistrate-Ist class, Gaya, in connection with Complaint Case No. 404 of 2015 subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with the following conditions:-

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner 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 shall appear before the concerned



police station every fortnight for next six months to mark his attendance;

(iv) the petitioner 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;

(v) the petitioner 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)

Ankit Kumar/-

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