

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78612 of 2024

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

Kaili Khatun Wife of Md. Sazzak, R/o Village- Fena Belahi, Ward No.11, P.S.
- Jogbani (Bathnaha), Distt.- Araria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 79518 of 2024

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

Md. Murtaja @ Md. Murtuja @ Murtja S/o Late Khalil, R/V - Fena Belahi,
P.S. - Jogbani (Bathnaha), Distt. - Araria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

(In CRIMINAL MISCELLANEOUS No. 78612 of 2024)

For the Petitioner : Mr. Krishna Prabhat, Advocate

For the Opposite Party : Mr. Bharat Bhushan, APP

(In CRIMINAL MISCELLANEOUS No. 79518 of 2024)

For the Petitioner : Mr. Krishna Prabhat, Advocate

For the Opposite Party : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-12-2024 Both the criminal miscellaneous petitions have arisen out of the same police station case number, hence they are being heard together and decided by a common order.

2. Heard Mr. Krishna Prabhat, the learned counsel for the petitioners and Mr. Navin Kumar Pandey, the learned Additional Public Prosecutor for the State.

3. The petitioners 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.

4. According to the prosecution case, the co-accused persons after forging the documents have purchased a land and they are not allowing informant's nephew to farm on that land.

5. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that from bare perusal of the FIR, it appears that due to admitted land dispute the present occurrence has taken place and one Title Suit No. 439 of 2022 is pending for consideration between the parties for the same set of land, which is the subject matter of the present FIR. He further submits that from perusal of the FIR, it also appears that there is no specific allegation of any assault or overt act attributed against the petitioners, rather there is general and omnibus allegation against all the co-accused persons including the petitioners. He further submits that the co-accused persons namely, Md. Saijum & Ors. have been granted the privilege of anticipatory bail *vide* order dated 04.09.2024 passed in Cr. Misc. No. 51338 of 2024.

6. The learned Additional Public Prosecutor for the



State on the other hand has vehemently opposed the prayer for bail of the petitioners.

7. Considering the aforesaid facts and circumstances and mainly the facts that petitioners have clean antecedent, there is no specific allegation of any assault or overt act, one Title Suit No. 439 of 2022 is pending for consideration between the parties for the same set of land and other co-accused persons have been granted the privilege of anticipatory by this Court, let the petitioners, 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 Judicial Magistrate 1st Class-cum-AM-VIII, 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). Petitioners 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 petitioners 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 petitioners and in case, at any stage, it is found that the petitioners 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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