

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5049 of 2024

Arising Out of PS. Case No.-305 Year-2019 Thana- EKMA District- Saran

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1. Abdul Gaffar S/o- Abdul Safar R/o Dhangarahan, P.S- Baniyapur, Dist- Saran
 2. Jawed Alam S/o- Abdul Gaffar R/o Dhangarahan, P.S- Baniyapur, Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harish Kumar

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 21-03-2024 Heard learned counsel for the petitioners and
learned APP for the State.

2. Learned counsel for the petitioners seeks
permission to withdraw this application with regard to petitioner
no. 1 submitting that during pendency of this application the
petitioner no. 1 has passed away.

3. Permission is granted.

4. Accordingly, this application with respect to
petitioner no. 1 is dismissed as withdrawn.

5. Now, this application is being heard only with
regard to petitioner no. 2.

6. Heard learned counsel for the petitioner and



learned A.P.P. for the State.

7. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 448, 504, 323, 420, 467, 468, 471, 120(B) of the Indian Penal Code.

8. As per the prosecution case, the accused Abdul Gaffar has sold the disputed land to co-accused Meena Devi by forging on which co-accused Sunil Kumar Singh and the petitioner no. 2 is witnesses and co-accused Devendra Mahto is identifier.

9. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He submits that that there is no specific overt act against the petitioner. He further submits that the petitioner is only witness to the sale deed. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

10. Learned APP for the State opposes prayer for anticipatory bail.

11. Considering the facts and circumstances of the case and the fact that petitioner is only the witness to the sale deed, let the above named petitioner no. 2, be released on bail,



in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Ekma P.S. Case No. 305 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

anand/-

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