

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72901 of 2024

Arising Out of PS. Case No.-628 Year-2023 Thana- GANDHIMAIDAN District- Patna

Md. Israrul Haque S/O Md. Wasim Mallick Resident of 224- Chunna Batta
Gali, Old Karimganj, P.O- Karimganj, P.S- Civil Line, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shahzad Hassan Khan, Adv.

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 03-03-2025 1. Heard learned counsel for the petitioner, learned A.P.P. for the State Mr. Chandra Bhushan Prasad and the learned counsel appearing on behalf of the informant.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 419, 420, 467, 468, 471 and 120(B) of the Indian Penal Code.
3. Learned counsel appearing on behalf of the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation, as alleged in the F.I.R., it would manifest that the dispute is purely civil to which a criminal colour has been given. It is next submitted that even presuming what has been alleged is true without admitting then the petitioner is alleged to have attested the sale deed by which the



land was sold by a fictitious person in favour of the purchaser. It is next submitted that Md. Shamsheer Ali and Md. Shahid Khan had approached this Court seeking anticipatory bail by filing Cr. Misc. No.6015/2024 and Cr. Misc. No.21394/2024 and the same was allowed by an order dated 30.08.2024. It is submitted that the aforesaid Md. Shamsheer Ali and Md. Shahid Khan were purchasers of the land.

4. The learned counsel appearing on behalf of the informant submits that no doubt petitioner was an attesting witness on the sale deed executed by a fictitious person in favour of the purchasers but then it was this petitioner who was instrumental in hatching the conspiracy. It is also submitted that if privilege of anticipatory bail is granted to the petitioner, the petitioner may abscond, on which, the learned counsel appearing on behalf of the petitioner submits that petitioner will not abscond rather will co-operate in the investigation to prove his innocence.

5. 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. 25,000/-



(Rupees Twenty Five 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 Gandhi Maidan P.S. Case No. 628 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. 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, in that event, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

7. Let a copy of this order be sent to the concerned P.S. through the learned trial court.

(Satyavrat Verma, J)

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