

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 21477 of 2020

Arising Out of P.S. Case No.-520 Year-2019 Thana-Muffasil District-Samastipur

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1. Bibi Hasina Khatoon, widow of Abdul Aziz, daughter of Abdul Jalil
 2. Md. Naushad @ Raju
 3. Md. Azad, both 2 and 3 are sons of Md. Nijamuddin @ Md. Aali
- All are resident of village Jitwarpur, Chouth, Ward No. 8, P.S. Samastipur, District Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Choudhary Shyam Nandan
For the Opposite Party : Smt. Pushpa Sinha-2

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 24-07-2020 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Samastipur (Muffasil) P.S. Case No. 520 of 2019, disclosing the offence punishable under Sections 420, 465, 467, 468, 471, 323, 506 and 120-B of the Indian Penal Code.

It is alleged in the FIR that petitioner no. 1 had executed a sale-deed in favour of the informant in 1996 in respect of a piece of land along with house and other structures over the same. A partition suit was pending in respect of the said land. It is alleged in the FIR that petitioner no. 1 has executed another sale-deed in respect of the same land. Allegedly, when enquired, the petitioners no. 2 and 3 chased the



informant armed with sword and *lathi*.

On careful reading of the FIR, it transpires that dispute is of civil nature. It does not appear that the informant sustained any injury.

Considering the nature of allegation in the FIR, a case for grant of anticipatory bail is made out. This application is accordingly allowed.

Let the petitioners, above-named, in the event of their arrest/surrender within six weeks from today in the court below, be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand) each, with two sureties of the like amount each, to the satisfaction of the learned Additional Chief Judicial Magistrate-Vth, Samastipur in Samastipur (Muffasil) P.S. Case No. 520 of 2019, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the Police/ Court, as the case may be, as and when required and in the event of failure on their part to appear before the court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

It is also indicated that defects, if any, shall be removed within two months from today.



Since there is a lockdown, the Court has considered it appropriate to adopt following procedure for communication of the present order:-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the learned court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social-distancing.

(Chakradhari Sharan Singh, J)

Rajesh/-

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