

IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B.A. No. 2744 of 2020

Faij Ashraf

... .. **Petitioner**

Versus

1. State of Jharkhand

2. Md. Jalil Khan

... .. **Opposite Parties**

CORAM : HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY
Through- Video Conferencing

For the Petitioner

: Mr. Mohit Prakash, Advocate

For the State

: Ms. Priya Shrestha, Spl. P.P.

02/11.09.2020 Heard Mr. Mohit Prakash, learned counsel for the petitioner and Ms. Priya Shrestha, learned Spl. P.P. for the State.

Defects nos. 9(i) to 9(iv) as pointed out by the office are ignored.

The petitioner has prayed for grant of anticipatory bail, as he is apprehending his arrest in connection with Latehar P.S. Case No. 173/2019.

It has been alleged that after the death of Mustkim Khan his four sons including the informant got 33.46 decimals of land in their favour. The brother of the informant namely Jamil Khan along with the nephew of the informant (petitioner) sold off the shares of the other brothers and sisters. It has further been alleged that the land was given for cultivation to Jamil Khan but it was sold and they also got the revenue receipts issued in their name.

The petitioner appears to be the nephew of the informant.

Mr. Mohit Prakash, learned counsel for the petitioner submits that the main allegation of selling of the properties of the other brothers and sisters appears to be centered around Jamil Khan. It has been stated while referring to the written report that it was Jamil Khan who was instrumental in such act of fraud committed upon the informant and others. Learned counsel further submits that the petitioner has been

implicated merely because he happens to be the son of Jamil Khan.

Learned Spl. P.P. for the State has opposed the prayer for anticipatory bail made by the petitioner.

The allegation thus revealed that it was Jamil Khan being the brother of the informant who was the master mind of the transfer of the land in favour of other persons though he was not the absolute owner over the said lands. Save and except making vague assertions with respect to the involvement of the petitioner also in the said illegal transaction there is no other evidence which would indicate the complicity of the present petitioner.

Regard being had to the aforesaid facts, the petitioner, named above, is directed to surrender before the learned court below within a period of four weeks and on such surrender, he shall be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Latehar in connection with Latehar P.S. Case No. 173/2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This application stands allowed.

(R. Mukhopadhyay, J.)