

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17425 of 2015

Arising Out of PS.Case No. -157 Year- 2013 Thana -HARIZAN District- BEGUSARAI

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1. Md. Nasir @ Nasua @ Nisar Alam Son of Md. Jumman Sah,
2. Md. Jumman Shah @ Jumman Sah, Son of Late Biran Sah, Both
resident of village - Hussaina, P.S. - Ballia, District - Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Rashid Alam

For the Opposite Party/s : Mr. Ambika Bhagat(Spl. P.P.)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-05-2015 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under sections 341,323,385,504 and 506/34 of the Indian Penal Code and sections 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

It is alleged that petitioner no. 1 pointed the pistol and demanded extortion of Rs.50000/- and abused by calling the caste name. Petitioner no. 2 ordered to assault when the informant gave rupees five thousand to petitioner no. 1 to save his life.

It is submitted by the learned counsel for the petitioners that the father in law of petitioner no. 1 Md. Yakoob was an

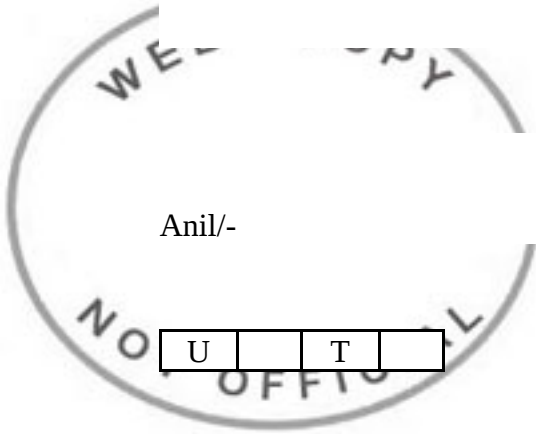


employee of Telecom Department but he died on 28.8.2008 and after his death the mother in law Jaina Khatoon received all the benefits but she came in contact with the informant Mahesh Kumar Ram thereafter both are residing as husband and wife. Mother in law of petitioner no. 1 has deserted four children who are residing with petitioner no. 1 and the same is being protested by the petitioners, as a result, the frivolous case has been lodged. It is further submitted that for the occurrence of 13.9.2013 the FIR has been registered on 15.9.2013. Complaint Case no. 2050 of 2013 was filed by Sitara Khatoon, the sister in law of petitioner no. 1 against her mother and Mahesh Ram though subsequent to the present case, making accusation under sections 147,452,380,354B,323,372 and 511 IPC

It is submitted by the learned Special P.P. that the occurrence took place in public view on road.

Considering the rival submissions of the parties, it appears that the accusation has been levelled in the background of serious family dispute which constitute grounds for consideration of the prayer for regular bail of the petitioners by the learned court below in case the petitioners surrender within six weeks from today in connection with SC/ST P.S. Case No. 157 of 2013 pending in the court of learned CJM, Begusarai.

This application is disposed of with the aforesaid observation/direction.



(Dinesh Kumar Singh, J)