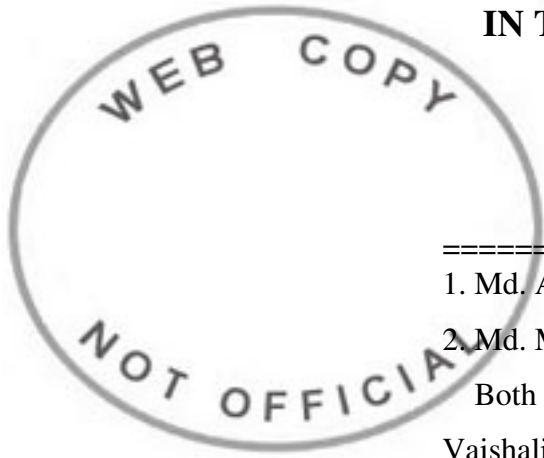




IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43038 of 2015

Arising Out of PS.Case No. -132 Year- 2015 Thana -HAJIPUR SADAR District-
VAISHALI(HAJIPUR)

=====

1. Md. Azad Son of Md. Moklish
2. Md. Moklish @ Md. Mokis Son of Md. Hussain
Both resident of Village - Sendaury, P.S. - Hajipur Sadar, District -
Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mohammad Sufyan, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-10-2015 Learned counsel for the petitioners is permitted to make correction in the petition during course of the day.

Heard learned counsel for the petitioners and the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 452, 504, 506, 354, 427, 380, 307, 302,

324, 326 of the Indian Penal Code.

The prosecution case as per the fardbeyan of Ram Naresh Rai, S/o Kishun Rai is to the effect that on 21.03.2015 at 7.00 P.M., seven motorcycle born miscreants came and tried to locate the house of Sanjeev Kumar @ Putul and thereafter they went back. After half an hour 65-70 persons variously armed along with ten ladies having stones, pieces of bricks came, surrounded the house of the informant and started pelting stones. In the meantime, son of the informant Sanjeev Kumar @ Putul came out from the house, he was caught hold by the accused persons and assaulted. Another son of the informant namely Kumkum Patal came to rescue, then accused persons also assaulted him by sharp edge weapon who received seven injuries. Out of fear, the informant went inside the house and saw that miscreants cutting the neck of his son and dragged him towards East. The miscreants also damaged the house hold articles and they made an attempt to kidnap the daughter-in-law of the informant and ultimately took away the daughter-in-law Chandani Khatoon and injured son Sanjeev Kumar @ Putul.

It is submitted by the learned counsel for the petitioners that the son of the informant Sanjeev Kumar @



Putul performed love marriage with Chandani Khatoon, for which a case was lodged against the son of informant Sanjeev Kumar @ Putul. The conduct of the son of the informant was not liked by the Azaz and others, as a result in retaliatory measure Azaz and villagers killed the son of the informant. Subsequently, in 164 Cr.P.C. statement Chandani Khatoon, wife of the deceased, named ten persons but they have not named the petitioners. Accusation is omnibus and general. When only one sharp cutting injury on the neck of the victim Sanjeev Kumar @ Putul was found and considering the commission of offence in the background of retaliatory measure against the love marriage, co-accused have been granted anticipatory bail vide Cr. Misc. No. 30919 of 2015, whereas the others have been granted regular bail vide Cr. Misc. No. 24149 of 2015 and 38606 of 2015. Statement has been made in para-3 of the petition that petitioners have no criminal antecedent.

Considering the fact that the petitioners have not been named by the wife of the deceased Chandani Khatoon in 164 Cr.P.C. statement and accusation being omnibus and general, let the above named petitioners be released on bail in the event of their arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief

Judicial Magistrate, Hajipur (Vaishali) in connection with Hajipur Sadar P.S. Case No. 132 of 2015, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Dinesh Kumar Singh, J)

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