

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22560 of 2015

Arising Out of PS.Case No. -171 Year- 2014 Thana -MASRAKH District- SARAN

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1. Kalamuddin Mian Son of Moharam Mian
 2. Salamuddin Mian@Salaluddin Mian Son of Moharam Mian
 3. Qayamuddin Mian Son of Moharam Mian
 4. Sah Alam @ Sah Alam Mian Son of Kalamuddin Mian.
 5. Mainuddin Mian Son of Late Mansurif Mian
 6. Saraj Main@Seraj Aasam Mian Son Mainuddin Mian
 7. Amjad Ali@Amjad Mian son of Alauddin Mian
 8. Eklakh Mian son of Alauddin Mian All resident of Village Chand Kudariya Police Station Mashrakh District saran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kumar Singh

For the Opposite Party/s : Mr. Rajendra Pd.Nat(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 21-09-2015 Heard learned counsel for the petitioners and the State.

The petitioners are apprehending their arrest in Mashrakh P.S.Case No. 171 of 2014 instituted under Sections 302, 364, 323, 341, 504, 147, 148 and 149 of the Indian Penal Code, pending in the court of learned C.J.M.,Chapra.

It is alleged by the informant that the informant and accused persons are Gotiya of each other and a civil case was also going on between them. It is further alleged that at 2-3 hours the occurrence took place between the informant and accused persons for which Gotani of the informant lodged an FIR against the



accused persons and at that time the son of the informant Sarfaraz was not in her house. It is further alleged that the informant went at the door of accused person for searching her son. Thereafter, the accused persons on the point of arms took away the son of the informant towards Nahar in presence of the informant and witness. It is also alleged that when the son of the informant did not return back then the informant went to police station on 21.7.2014 but the police did not lodge the case. Thereafter the informant went to civil court, Chapra and filed the complaint Case on 22.7.2014 against the accused persons.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. General and omnibus allegation has been made against the petitioners. There is admitted land dispute between the parties. The father of petitioner no.1 has instituted a complaint case, vide Annexure 2, prior to the present occurrence and for the said reason, the petitioners have falsely been implicated in the present case.

On behalf of the State, it has been submitted that the petitioners are named in the FIR and the dead body of the deceased has not yet been recovered.

Considering the aforesaid facts, I am not inclined to grant anticipatory bail to the petitioners and the same is rejected.

Any how, if the petitioners surrender in the court below within a period of four weeks and pray for regular bail, same shall be considered by the court below on its own merit without being prejudiced by this order of rejection.

(Sudhir Singh, J)

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