

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1610 of 2016

Arising Out of PS.Case No. -1656 Year- 2013 Thana -MADHUBANI COMPLAINT CASE District-
MADHUBANI

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1. Md. Mustakim Son of Md. Moinuddin resident of Village - 6 Tanti Bagan
Lane Baniya Pokhar, District - Kolkatta 700014.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Md. Shamsul Haque Ansari Son of Marhum Md. Hafiz Ansari resident
of Mohalla - Santu Nagar Ward no. 2 P.S. Madhubani Town, District -
Madhubani.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Opposite Party/s : Mr. Smt. Anita Kumari(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

2 13-01-2016 Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a complaint
case in which process has been directed to be issued after
cognizance being taken for the offences punishable under
Sections 323 and 406 of the Indian Penal Code.

The prosecution case is that the petitioner along with
Md. Shamim and Md. Nasim being son in law and nephew of the
complainant along with the petitioner came and asked for rupees
one lac thirty thousand for getting a shop allotted at Kolkata but
neither the shop was allotted nor money was returned when legal
notice was issued. On demand of money the accused persons

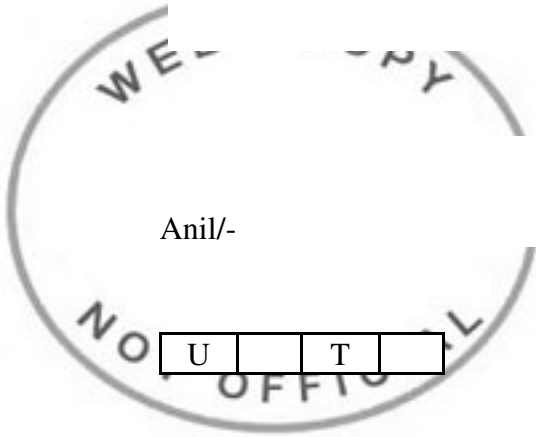
assaulted the son of the complainant.

It is submitted by the learned counsel for the petitioner that for the occurrence of 20.1.2009 to 29.10.2013 the complaint was filed on 16.12.2013. There is no proof with regard to the payment. The anticipatory bail application of the petitioner was disposed of by the learned Additional Sessions Judge V, Madhubani on the ground that only summons have been issued though similarly situated co accused Md. Shamim and Md. Nasim have been granted anticipatory bail vide order dated 15.6.2015 passed in ABP No. 83 of 2015. Statement has been made in paragraph 16 of the petition that now warrant of arrest has been issued which reads as follows:

“That in this case warrant also has been issued against the petitioner for arrest.”

Considering the nature of accusation and the fact that now it is claimed by the petitioner that warrant has been issued, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned JM Ist Class, Madhubani, in connection with Complaint Case No. 1656 of

2013 subject to the conditions as laid down under Section 438(2)
Cr.P.C.



(Dinesh Kumar Singh, J)