

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21263 of 2016

Arising Out of PS.Case No. -23 Year- 2016 Thana -SAMASTIPUR GRP CASE District-
SAMASTIPUR

- =====
1. Md. Sayim @ Md. Sahim, son of Usman
 2. Rubaina Khatoon, wife of Md. Mustafa Rain
 3. Md. Najruddin, son of Abdur Rahman
 4. Sami Ahmad, son of Md. Abdul Qayum
 5. Md. Irshad Pervez @ Md. Irshad, son of Md. Islam
 6. Md. Nausad, son of Habibur Rahman @ Habibur Rahman @ Habib Rahman
 7. Md. Irsad, son of Habibur Rahman @ Habibur Rahman @ Habib Rahman
 8. Munna @ Sonu Khan, son of Md. Chand Khan
- All resident of Village- Mehsaul Got, P.S.- Mehsaul O.P. Sitamarhi, District- Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Nitya Nand Tiwary (APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 22-06-2016 Heard learned counsel for the petitioners and

learned APP for the State.

Petitioners apprehend arrest in connection with

Rail P.S. DBG (SMI) Case No. 23/16 for offences alleged under

Sections 147, 149, 341, 342, 323, 353, 224, 225, 504, 506 of the

Indian Penal Code, under Section 53 of the Bihar Excise Act, 2015

and under Sections 145, 146 and 147 of the Railway Act.

The prosecution case, as lodged by the informant,



is that on secret information that some anti-social elements are taking wine and making nuisance S.H.O. Rail P.S., Sitamarhi along with other police personnel reached there and caught one Aarif Mukhiya and others fled away. Aarif was taken to police station but his other associates including the petitioner forcibly took him away from the police station.

It has been submitted by the learned counsel for the petitioners that the occurrence is in the night of 31.03.2016 and the amendment in the Excise Act came with effect from 01.04.2016. It has further been submitted that the petitioners have been falsely implicated and no specific allegation has been levelled against them. He further submits that one Aarif Mukhiya, who was caught red-handed and was forcibly let off from the custody of the police, has now surrendered. He submits that apart from the present one three more cases have been lodged under false pretext against these petitioners on the same day for the same set of charges. He submits that the petitioners are man of means having movable and immovable property and having no chance of absconding or tampering with the prosecution witnesses.

However, learned APP for the State submits that the petitioners are named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, let petitioners, above named, in the event of their arrest or surrender before the court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/-(Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate (Railway) 1st Class, Samastipur, in connection with Rail P.S. DBG (SMI) Case No. 23/16, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Rajesh/-

(Nilu Agrawal, J.)

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