

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3945 of 2016

Arising Out of PS.Case No. -327 Year- 2015 Thana -COMPLAINT CASE District- ARRARIA

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1. Md. Bashir @ Bashir Alam Son of Late Abdul Moiz
 2. Bibi Ashmat Ara @ Ashmat Ara Wife of Abdul Moiz
 3. Md. Rinku @ Mahtab Alam Son of Md. Sadre Alam @ Chhotu
 4. Md. Ashique Son of Late Md. Khalil
 5. Md. Kamru @ Kamru Son of Late Md. Khalil
 6. Md. Asgar Ali @ Asgar Ali Son of Late Md. Khalil
 7. Md. Sonu @ Sonu Son of Asgar Ali
 8. Md. Bittu @ Bittu Son of Md. Sadre Alam @ Chhotu All residents of Mohalla - Azad Nagar, Ward No. 19, Near Meera Talkies Masjid, Nagar, Parishad, Araria, P.S. and District - Araria

.... Petitioner/s

Versus

1. The State of Bihar
2. Sabir Alam, Advocate - Cum - Addl. Public Prosecutor, Civil Court, Araria Son of Late Jainuddin residents of Mohalla - Azad Nagar, Ward No. 19, Nagar, Parishad, Araria, P.S. and District - Araria

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate
For the Opposite Party/s : Mr. S.Ehteshamuddin(App)
For the Complainant : Mr. Anil Prasad Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 01-02-2016 Heard learned counsel for the petitioners and the State.

The petitioner is apprehending his arrest in a complaint case in which processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 323, 341, 504, 379, 380, 452/34 of the Indian Penal Code.

The prosecution case is that the complainant was constructing a temporary parking for his car which



was opposed by the accused persons. On protest being raised by the informant, the accused persons started abused and assaulted him. It is alleged that accused persons demanded Rs. 5,000/- per month as extortion for allowing the complainant to make the parking shed. During scuffle, petitioner no. 3 Md. Rinku @ Mahtab Alam snatched Rs. 15,000/- from the pocket of the informant, when petitioner no. 1 Md. Bashir @ Bashir Alam snatched Titan Watch worth Rs. 3500/-. They also abused and assaulted Md. Wasi Ahmad, Md. Shamim and Md. Shamsul. The accused persons entered into the house of the complainant and took away house hold articles.

It is submitted by the learned counsel for the petitioners that since the complainant was constructing the parking shed on the public land, which was protested by the accused persons, hence the case has been lodge. For the occurrence of 01.02.2015 the Complaint was filed on 06.02.2015. Statement has been made in para-3 of the petition that petitioners have no criminal antecedent.

It is submitted by the learned counsel for the complainant that since the complainant was moving before various police officers and when no action was taken, then complaint was filed. It is further submitted that petitioner no. 1 has criminal antecedent, but he has no documentary proof to that effect with him at present.

Considering the delayed lodging of the case and the nature of accusation, 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 Sri Kumar Amit-Monu, A.C.J.M.-II, Araria in connection with Complaint Case No. 327C of 2015, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The bail bond of the petitioners shall be provisionally accepted till the verification of the criminal antecedent of the petitioners. If it is found that the petitioners have criminal antecedent, in that eventuality, the provisional bail will not be confirmed then the petitioners will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

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