

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26131 of 2016

Arising Out of PS.Case No. -103 Year- 2015 Thana -JANDAHA District- VAISHALI(HAJIPUR)

Md. Naushad, son of Sheikh Sayeed, Resident of Village:- Dharmpur, P.S.:- Muffasil (Samastipur), District:- Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

---with---

Criminal Miscellaneous No.26199 of 2016

Arising Out of PS.Case No. -103 Year- 2015 Thana -JANDAHA District- VAISHALI(HAJIPUR)

MD. REYAZ @ REYAZ AHMAD, Son of Sheikh Sayeed, Resident of Village:- Dharmpur, P.S.:- Muffasil (Samastipur), District:- Samastipur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.26131 of 2016)

For the Petitioner/s : Mr. Dilip Kumar Roy

For the Opposite Party/s : Mrs. Renuka Ratnakar, A.P.P.

(In Cr.Misc. No.26199 of 2016)

For the Petitioner/s : Mr. Dilip Kumar Roy

For the Opposite Party/s : Mrs. Renuka Ratnakar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 10-08-2016 Heard learned counsel for the petitioners and learned counsel for the State.

Petitioners of both the applications are accused in connection with Jandaha P.S. Case No. 103 of 2015 registered under Sections 302 and 120(B)/34 of the I.P.C. and 27 of the Arms Act. Therefore, both applications are being heard together and

disposed of by this order.

The accusation is that deceased Kari Anjar @ Md. Anjarul Haque, brother-in-law of the informant, had taken money before three years in mediation of Md. Shamim through petitioner. Md. Shamim used to give pressure upon Kari Anjar @ Anjarul Haque and Reyaz for returning the money. Regarding to return the money on several occasions Panchayati was arranged, but money was not returned. Md. Shamim also gave threatening for dire consequences. He received the information about lying the dead body of his brother-in-law Md. Anjarul Haque near Salaha Power Grid sustaining fire arm injury. When he reached there found the dead body of his brother-in-law. The informant raised suspicion against the petitioners and co-accused Md. Shamim for the alleged occurrence.

Learned counsel appearing on behalf of the petitioners submits that it would appear from the F.I.R. that Md. Shamim had given threatening to the deceased to return money, which was said to be paid through these petitioners. There is no eye witness of the occurrence and mere on suspicion, the name of the petitioners have falsely been implicated in this case by the informant. Moreover, co-accused Md. Shamim has been allowed bail by a Bench of this Court vide Cr. Misc. No. 38330 of 2015 on

28.08.2015 and petitioners are in custody since 27.04.2016 and 28.04.2016 respectively.

Having considered the facts and circumstances of the case, let the above named petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-XI, Vaishali at Hajipur in connection with Jandaha P.S. Case No.103 of 2015. Out of two sureties, one surety must be parents or close relatives of the petitioners.

(Rajendra Kumar Mishra, J)

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