

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.16944 of 2016

Arising out of PS.Case No. -39 Year- 2002 Thana -BEGUSARAI COMPLAINT CSAE District-
BEGUSARAI

1. Md. Quisar @ Md. Kauser, Son of Late Md. Akhtar Hussain, resident of Village - Rajaura, P.S. - Muffassil, District - Begusarai.
2. Md. Akbar, Son of Late Abdul Jalil, resident of Village - Miya Chak, P.S. - Town, District - Begusarai.

.... Petitioners

Versus

1. The State of Bihar.
2. Md. Mannan @ Munna, son of Late Akhter, R/o Village - Rajaura, P.S. - Muffassil, District - Begusarai.

.... Opposite Parties

Appearance :

For the Petitioners : Mr. Abul Kalam, Advocate.
For the Opposite Party : Mr. T.P.Mandal(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 23-05-2016 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners are languishing in custody since 18.12.2015 in connection with Complaint Case No. 39-C of 2002 for the offences instituted under Sections 328/34 of the IPC.

The prosecution story, in brief, is that on 08.01.2001 at about 8.00 A.M., the complainant, Md. Mannau alias Munna was taking sub bath in the courtyard. In the meantime, all the accused surrounded his courtyard. The accused Md. Quisar instigated the co-accused to administer brake oil, as he was the root cause of the dispute. Thereafter, Md. Quisar and Md. Akbar thrashed the

complainant on the ground. Akbar sat on the chest and opened his mouth by force and the accused Shahnaz Khatoon supplied brake oil to Md. Quisar, who administered brake oil in the mouth of the complainant. On raising alarm by Wasim and gagging of the complainant, the witnesses came there and the life of the complainant could be saved.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. The petitioners are in custody since 18.12.2015 and the charge sheet has been submitted in the case. The petitioner no. 1 is the own brother of the complainant and petitioner no. 2 is the brother-in-law (Bahnoi) of the complainant. There is no medical examination report of the complainant to support the allegations made in the complaint petition. The alleged complaint case has been filed because of property dispute between the parties.

On behalf of the State it has been submitted that the petitioners are named in the complaint case.

Considering the aforesaid facts and circumstances, let the petitioners above named, 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 the learned Additional Sessions Judge-VII, Begusarai, in connection with Complaint

Case No. 39(C) of 2002, giving rise to Sessions Trial No. 146 of 2016.

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(Sudhir Singh, J)