

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35702 of 2016

Arising Out of PS.Case No. -1106 Year- 2015 Thana -AURANGABAD COMPLAINT CASE
District- AURANGABAD

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1. Md. Jamil Ahmad
 2. Akil Ahmad, Both Son of Jalil Ahmad, Resident of Mohalla- Kathokar Talab Bari, Road Gaya, P.S.- Kotwali, District- Gaya.
 3. Md. Jahangir, Son of Illias Resident of Mohalla- Nadraganj, P.S- Civil Lines, District- Gaya.
 4. Md. Sahid Son of Fasidar Rab, Resident of Fakir Toli, Near Plaza Market Chhata Mazid, Gaya, P.S.- Kotwali, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sarfaraj Khan @ Sarparaj Khan, @ Laihlad Khan Son of Late Salim Khan Resident of Mohalla- Ali Nagar Ward No 13 Tikari Road, Aurangabad, P.S- Aurangabad Town District- Aurangabad.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivendra Prasad

For the Opposite Party/s : Mr. Sri Dashrath Mehta

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-09-2016 Heard learned counsels for the petitioner and the State.

The petitioners are apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 341, 323, 542, 380 and 427 of the Indian Penal Code.

The prosecution case is that the son of the complainant Sartaj Khan was married to Noorjabin Khatoon, the sister of petitioner no.1. The son of the complainant used to reside in Morisus when one Md. Shahid used to visit the daughter-in-law of



the complainant which was protested by the complainant thereafter the daughter-in-law of the complainant went to her parents house and when the son of the informant came to India, he went to bring back his wife Noorjabin Khatoon when she was not allowed to go and the son of the complainant was pressurized to give divorce to Noorjabin Khatoon so that she could marry with Md. Shahid. Though, the effort was made to resolve the issue but the accused persons assaulted the complainant's side and on protest being made, petitioner no.1 Jamil Ahmad took out pistol and threatened to kill the complainant's side. It is further alleged that co-accused Nausad took away the attaché containing the house hold articles from the room of the complainant.

It is submitted by the learned counsel for the petitioners that due to family dispute, the accusation has been levelled and none have received any injuries. The petitioners' side filed Gaya Kotwali P.S. Case No. 220 of 2015 on 30.05.2016 against the complainant's at earlier point of time. It is further submitted that co-accused Naushad was inside the jail on the alleged date of occurrence. A statement has been made in para 3 of the petition that the petitioners have no criminal antecedent.

It is submitted by the learned counsel for the complainant that the accused persons assaulted and humiliated the

complainant’s side.

Considering the nature of accusation and the case being filed by the petitioners’ side at earlier point of time, 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 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Aurangabad in connection with Comlaint Case No. 1106 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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