

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5101 of 2017

Arising Out of PS.Case No. -289 Year- 2010 Thana -HILSA District- NALANDA
(BIHARSHARIFF)

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SYD. MD. MOHI ALAM @ MOHI MIYAN, S/o Late Wali Alam, FCI
Road, Millat Colony, Sector-3, Apna Gharana, Fulwari Sharif, Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anand Prakash Prabhakar

For the Informant/s : Mr. Ravindra Kumar Singh

Mr. Ashok Kumar Karna

For the Opposite Party/s : Mr. Dr. Rabindra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

4 02-03-2017

Heard learned counsel for the petitioners and the

State.

The petitioner apprehends his arrest in Hilsa
P.S. Case No. 289 of 2010 instituted for the offence under
Section(s) 364, 34 of the Indian Penal Code.

The informant has alleged that her husband was
kidnapped by Guddan Mian and his maternal uncle Mohi Mian
along with other accused persons with intention to kill him. The
reason behind the occurrence is that husband of the informant
Rajesh Kumar @ Mangal has purchased the house from the
petitioner Mohi Mian in which co-accused Guddan Mian was
residing from before. The deed of agreement was prepared and the
husband of the informant also paid the entire consideration amount



to the petitioner and when he requested him to execute the sale deed in his favour, he avoided to execute the sale deed. It is further alleged that co-accused Guddan Mian demanded Rs. 3,00,000/- for vacating the house in question for which the husband of the informant gave Rs. 1,00,000/- to the co-accused Guddan Mian and when he demanded receipt of the money, the scuffle took place between co-accused Guddan Mian and the husband of the informant and co-accused Guddan Mian also threatened the husband of the informant. It is also alleged that on 25.07.2010, on call by co-accused Guddan Mian, the husband of the informant went to the house of Guddan Mian, but till date he has not returned.

The case diary has been received.

It has been submitted on behalf of the informant that since the case was not properly investigated by the Bihar police, it has been handed over to the C.I.D on 09.09.2015 and the C.I.D after investigation, in para 25 has given finding against this petitioner about his involvement as he has not executed the sale deed even after receiving the entire consideration amount. The other witnesses have also stated against the petitioner before the C.I.D during investigation. It is further submitted that prayer for anticipatory bail of co-accused Md. Munna @ Munna Mian has



already been rejected by a coordinate Bench of this Court vide Cr. Misc. No. 266 of 2017 on 10.02.2017.

In such circumstance, this Court is not inclined to enlarge the petitioner on anticipatory bail. The prayer of the petitioner for anticipatory bail is rejected.

The petitioner is directed to surrender before the Court below within a period of six weeks from today in connection with Hilsa P.S. Case No. 289 of 2010, pending in the Court of learned Additional Chief Judicial Magistrate, Hilsa and seek regular bail, which shall be considered and disposed off on its own merit without being prejudiced by the order of this Court.

(Sanjay Priya, J)

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