

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28392 of 2017

Arising Out of PS.Case No. -266 Year- 2016 Thana -TEGHRA District- BEGUSARAI

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1. Md. Ejaz @ Md. Ejaj, son of Md. Gaffar,
2. Md. Jasim, son of Md. Suhan, (deleted as per order dated 1.7.2017)
3. Md. Tanvir @ Tanvir, son of Md. Jabbar @ Md. Jhabri,
4. Md. Rustam, son of Md. Suhan,
5. Md. Jabar @ Md. Jhabri, son of Md. Suleman,
6. Md. Afjal, son of Md. Legho,
7. Md. Afisara, son of Md. Legho, All residents of Village- Daniyalpur, Ward No.18, P.S.- Teghra, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr. Harendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-07-2017 A supplementary affidavit has been filed on behalf of the petitioners. Same be kept on the record.

It is stated in the supplementary affidavit that due to mistake the name of petitioner No.2 has been included in the petition. Counsel for the petitioners wants to delete the name of petitioner No.2.

Permission is accorded.

Counsel for the petitioners is permitted to make necessary correction in the petition and vakalatnama in course of the day in respect to petitioner No.2.

Heard learned counsel for the petitioners and learned



APP for the State.

The petitioners No.1 and 3 to 7 are apprehending their arrest in a case registered under Sections 448, 341, 323, 379, 384, 504 and 506/34 of the Indian Penal Code.

Allegation is that the accused persons including the petitioners armed with deadly weapon came to the land of the informant and Md. Gaffar demanded Rs.1 lac as rangdari for taking away timber and then co-accused Afzal threatened and abused the informant.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. The alleged date of occurrence is 22.10.2016, whereas F.I.R. was instituted on 01.11.2016. The delay has not been explained by the prosecution. Prior to institution of the F.I.R., a petition was made by one of the co-accused, namely, Md. Gaffar to the concerned P.S., which is Annexure-2 to the present application and on the basis of the said complaint, a proceeding under Section 107 Cr.P.C. was recommended to be initiated between the parties.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.



Considering the aforesaid facts and circumstances, let the petitioners No.1 and 3 to 7, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Teghra P.S. case No.266 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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