

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44269 of 2017

Arising Out of PS.Case No. -230 Year- 2017 Thana -JOKIHAT District- ARRARIA

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1. Karim, Son of Late Siddique, R/o Village- Gairki Masuriya Bagdohra.
 2. Sobrati, Son of Late Moharmalli, R/o Village- Chani Tola Bagdohra,
 3. Firoz, Son of Late Mustaque, R/o Village- Bagdohra, All P.S.- Jokihat, District- Araria.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Mukesh Kumar Rana, Advocate

For the Opposite Party/ : Mr. Nirmal Kumar Sinha (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 21-09-2017 Heard learned counsel for the petitioners and learned
counsel representing the State.

The petitioners apprehend their arrest in connection with Jokihat P.S. Case No. 230 of 2017, registered for the offences punishable under Sections 447, 341, 323, 354B, 384, 379, 504, 506/34 of the Indian Penal Code.

Allegedly, the petitioners along with their associates uprooted the mung crops worth of Rs. 14-15 thousand and were in the process to take away which was protested by the informant then ransom of Rs. 2 lacs was demanded. The petitioner no.2 dashed the informant resulting, he fell down and the petitioner no.1 started pressing his neck with intention to kill him and when



the wife of the informant came for rescue, the accused persons torned her cloths and caused her naked. The nearby persons came and then the life of the informant was saved.

Submission is of false implication and that due to land dispute and enmity the petitioners have been implicated, all the allegations are totally false, baseless and concocted. The occurrence is said to be taken place on 30.06.2017 but the information was given to police station on 15.07.2017 after inordinate delay without any explanation. The petitioner no.1 has purchased the land through sale deeds no. 8283 executed by Md. Ekhalaque Ahmad of an area of 19 decimals and coming in peaceful possession. Allegation under Section 354-B and 379 of the I.P.C. are ornamental and general in nature and, as such, the petitioners deserve sympathetic consideration.

The learned A.P.P. opposes the prayer of pre-arrest bail.

From perusal of impugned order, it reveals that four independent witnesses during course of investigation have not supported the allegation regarding demanding of ransom and for outrage the modesty of the wife of the informant and further the allegation of theft and they have simply stated that an altercation took place in between the parties, and as such, the petitioners in



the event of their arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall be released on 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, Araria, in connection with Jokihat P.S. Case No. 230 of 2017, subject to the conditions as laid down in section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J.)

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