

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12161 of 2017

Arising Out of PS.Case No. -44 Year- 2016 Thana -MORE District- DARBHANGA

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Chand Mian, son of Raja Hasan, resident of Village- Tharma, P.S.-
Benibad, District- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar, Advocate.

For the Opposite Party/s : Mr. Sri Arbind Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

4 19-06-2017 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Moro P.S. Case No. 44 of 2016, registered under Sections 147,
148, 149, 364, 354, 379 and 504 of the Indian Penal Code.

The accusation is that, on 30.08.2015, Nijam Sah, son
of the informant, had given statement in a case instituted by Md.
Jauk Anjum, due to that reason, on 31.08.2016, this petitioner
along with Md. Jami, Fayaj, Ahsan Raja and Jugnu came at the
house of the informant and abducted to her another son, Ali Imam
Sah, with intention to commit murder. At that time, they also used
to abuse and misbehave with the lady and carried four cows worth
of Rs.1 lac.



Learned counsel for the petitioner submits that house of the petitioner and the informant is at the distance of one 1^{1/2} K.M. while both villages belonging to different police stations and different districts. On 31.08.2016, Ali Imam, victim of the present case, came at the village of the petitioner with Katta along with four others but he was apprehended by the villagers and on information, police came and the victim was handed over to the police, on which, Gaighat (Benibad O.P.) P.S. Case No. 153 of 2016 was instituted, under Sections 304 and 506 of the Indian Penal Code and Sections 25(1-b)a and 126/35 of the Arms Act, on the basis of written report of Muzaffar Hussan, cousin of the petitioner due to that reason only to save the skin the present case has been lodged with false allegation. Further submission is that while the victim has disclosed the name of the petitioner but he did not disclose the name of other accused and also about carrying the cows. While the police has submitted the final form in Gaighat (Benibad O.P.) P.S. Case no. 153 of 2016 but the protest petition is pending for disposal.

Learned counsel for the informant, submits that in the case as lodged on the basis of statement of Muzaffar Hussan the police has submitted the final form finding the case untrue.

Having regard to the facts and circumstances of the



case, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-IV, Darbhanga, in connection with Moro P.S. Case No. 44 of 2016, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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