

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61852 of 2018

Arising Out of PS. Case No.-123 Year-2018 Thana- SAUR BAZAR District- Saharsa

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1. Md. Samsad @ Md. Shamshad, Son of Md. Kalim
 2. Md. Manovar @ Md. Manouar, Son of late Md. Subhan
 3. Md. Sarif@ Md. Sharif, Son of late Md. Moin Sah
 4. Md. Ali, Son of Md. Boudhi Sah@ Mian

All are resident of Village- Kanp, Purvi Tola, Sirha, Ram Nagar,
P.S.Sour Bazar, District- Saharsa.

5. Md. Noushad@ Md. Naushad, Son of Md. Idrish Resident of
Village- Sarouni, Bhita Tola, P.S. Bihariganj, District-
Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Adv.
For the Opposite Party/s : Sri Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 06-10-2018 Heard learned Counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending arrest in a case registered
for the offences punishable under Sections
307/323/341/379/504/506/34 of the Indian Penal Code and
Section 27 of the Arms Act.

The prosecution case got initiated on the Fardbeyan of
Hasim, recorded by Rajendra Singh, S.I. of Sour Bazar Police
Station on 07.03.2018 at 8.30 A.M. at Gayatri Nursing Home,



Saharsa to the effect that on 07.03.2018 at 12.15 P.M. in the midnight 11 persons, including the petitioners came at the door of the younger brother of the informant, namely Md. Jaseem and knocked the door. The wife of Md. Jaseem, namely, Bibi Hazra Khatoon opened the door, whereupon, the accused persons entered into the house and caught hold of Md. Jaseem and started taking him out from the house, when his wife tried to rescue him, then Md. Kokan fired at her, but it did not hit her. It is also alleged that Md. Kokan, Md. Akhtar and Md. Nuri caught hold of Md. Jaseem and on the order of Md. Akhtar, co-accused, Bousi Mian fired on Md. Jasim which hit on the chest of Md. Jaseem, as a result, he got injured and fell down. Thereafter, all accused persons entered into the house and took away Rupees Three Lakh kept in a box. It is further alleged that co-accused Subhan and petitioner no.2, Md. Manouar took away jewellery from the house of the informant.

It is submitted by learned counsel for the petitioners that the accusation has been levelled in the background of a case lodged by Md. Akhtar, one of the accused against the informant side, being Solur Bazar P.S. Case No.24 of 2018 registered under Sections 323,341,366A and 504/34 of the Indian Penal Code for kidnapping of his daughter. Thereafter, second time his



daughter was kidnapped for which Sour Bazar P.S. Case No. 121 of 2018 was lodged. There is no specific accusation of assault against the petitioners except that petitioner no.2 is alleged to have taken away jewellery from the house of the younger brother of the informant. Specific accusation of firing is against Md. Kokan. Md. Kokan and others have been granted anticipatory bail by a co-ordinate Bench of this Court vide Criminal Miscellaneous No. 40216 of 2018 vide order dated 11.07.2018. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned APP appearing for the State of Bihar that the petitioners are named in the FIR.

Considering the accusation being levelled in the background of litigated relationship and the case lodged by the petitioners' side at earlier point of time, coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners 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 Rs.10,000/- (ten thousand) each with two sureties of the like amount each to



the satisfaction of the learned CJM, Saharsa, in connection with
Sour Bazar P.S. Case No.123 of 2018, subject to the conditions
as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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