

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34636 of 2018

Arising Out of PS.Case No. -20 Year- 2018 Thana -PHULWARIA District- BEGUSARAI

=====

1. Ajaj Ahmad @ Ajay Ahmad @ Saiyad Md. Ajaj, Son of Ahmad Ali,
2. Md. Abbas @ Md. Abbas Alam S/O Md. Ishak.
3. Md. Sikandar, Son of Late Nawab Miyan.
4. Md. Amzad @ Md. Amjad, Son of Late Nawab Miyan.
5. Md. Ibrar Alam, son of Md. Ishak.
6. Md. Sabir, Son of Md. Amzad.
7. Md. Jawed, Son of Md. Amzad.
8. Md. Chand, Son of Md. Amzad. All resident of Village- Fulwariya-3,
Ward No. 12, Rayan Nagar, P.S.- Phulwariya, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Udai Shankar Singh

For the Opposite Party/s : Mr. Sri Surendra Kumar

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 06-07-2018 Heard both sides.

The petitioners apprehend their arrest in Phulwariya P.S. Case No.20/2018, registered under Sections 147, 148, 149, 420, 307, 323, 327, 379, 427, 452, 467, 468, 471, 504, 506 and 34 of the Indian Penal Code.

The informant alleged that on 07.02.2018 at about 7.30 P.M. in the evening, the accused persons along with others about 50 in numbers having armed with different weapons came and locked the door of his house. They wanted to kill the informant and his family members by setting the house ablazed. Anshu Kumar, the nephew of the informant broke the door. It is further



alleged that the accused persons damaged the house. The informant alleged that Md. Amzad, Manorama Devi, Ajay Kashyap and Vijay Kashyap son of Shatrughan Prasad are living in Durgapur and they created forged and fabricated documents with a view to grab the land.

Learned counsel for the petitioners submits that real fact is that Manorama Devi is the sister-in-law (Bhabhi) of the informant and her two sons namely Ajay Kumar Kashyap and Vijay Kumar Kashyap sold the land falling in their share in favour of Md. Amzad and his brother. Thereafter the informant firstly filed Complaint Case No.1072/2017. The petitioner Md. Amzad filed Cr.Rev. No.339 of 2017 and the order of summoning the accused persons was set aside vide order dated 16.11.2017. Md. Amzad also filed Complaint Case No.03/2018 against the informant and that is why this false case has been lodged. The occurrence is said to have taken place on 07.02.2018 but the information itself was given on 09.02.2018 although the informant alleged in the statement itself that the police came immediately after the occurrence and collected 'dhela' and other articles such as stones, bricks etc but no reason is assigned for delay in lodging the case.

On the other hand, learned counsel appearing on behalf



of the informant and learned A.P.P. vehemently opposed the prayer for anticipatory bail and submitted that for the sake of argument if it is admitted that own sister-in-law of the informant and her two sons sold the land in favour of the accused that does not entitle the accused to demolish and damage the case of the informant.

Perused the F.I.R. It appears that the occurrence took place on 07.02.2018 but the written statement was given to the P.S. on 09.02.2018. The information to the police was also given on the same day. The informant himself stated in the re-statement that the police came and saved the life of the informant and his family members. Even then no F.I.R. was lodged on the date of the occurrence. Admittedly, the land of the brother of the informant was purchased by Md. Amzad and others and that enraged and infuriated the informant causing institution of the case.

Taking into consideration the aforesaid fact, the petitioners above named, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order is directed to be enlarged 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 Sri Raghuveer Prasad, J.M.1st Class, Begusarai, in connection with Phulwariya P.S. Case No.20/2018, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

Amit/-

U		T	
---	--	---	--

