

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.60695 of 2017**

Arising Out of PS.Case No. -376 Year- 2017 Thana -GOPALGANJ COMPLAINT CASE District-  
GOPALGANJ

- =====
1. Murtuza @ Murtuja, son of late Jakari Sah,
  2. Jamaluddin, son of Murtuza,
  3. Salauddin, son of Murtuza,
  4. Qumaruddin, son of Mustkim,
  5. Sakruddin, son of Mustkim,
  6. Saida Khatoon, wife of Mustkim, all are resident of village- Pratappur  
Suwaniya, Police Station- Manjhagarh, District- Gopalganj.

.... .... Petitioner/s

Versus

1. The State of Bihar.
2. Mehrun Nesa, wife of Mazibullah, resident of village-Pratappur  
Surwaniya, Police Station- Manjhagarh, District- Gopalganj.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Umesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ajay Kumar -2, APP

Mr. Maheshwar Prasad, Advocate

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**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**  
**ORAL ORDER**

4/ 06-03-2018

Heard learned counsel for the petitioners and learned

APP for the State as well as counsel for the Opposite Party No.2.

Petitioners apprehend their arrest in **Complaint Case No.376 of 2017/Tr. No.1575 of 2017** instituted for the offence under Section(s) 323, 384 Indian Penal Code.

Counsel for the petitioners has submitted that both parties are close agnates.

Supplementary Affidavit has been filed stating therein that petitioner no.1 has no criminal antecedents and petitioner nos.2 and 3 have criminal antecedents. Cases pending



against them have been explained in para 3 of the Supplementary Affidavit.

Counsel for the Opposite Party No.2 has appeared and submitted that earlier wrong statement was made by the petitioners in para 3 of the bail petition.

Counsel for the petitioners has submitted that he has enquired the matter from the petitioners and thereafter he has filed Supplementary Affidavit. He had no knowledge about the criminal antecedents at the time of filing of original bail application about those cases.

In the Complaint Petition, there is allegation that the accused persons demanded rupees fifty thousand as ransom from the Complainant and when the Complainant refused then they gave threat of dire consequences and also damaged mustard crop of the Complainant worth rupees five thousand. They also assaulted the informant and committed theft of articles worth rupees sixty thousand from the house of the Complainant.

Counsel for the petitioners has mentioned in the bail petition that both parties are on litigating terms on account of land dispute.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the



event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with **Complaint Case No.376 of 2017/Tr. No.1575 of 2017**, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the **Additional Chief Judicial Magistrate, XII, Gopalganj**, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions: (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and their absence on two consecutive dates without proper and reasonable reason will be liable to cancel their bail bonds and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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