

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59915 of 2018

Arising Out of PS. Case No.-59 Year-2018 Thana- DHURAIYA District- Banka

-
1. Md. Shahansa @ Md. Sahansa @ Md. Naushad, Son of Md. Seraj @ Seraj.
 2. Md. Shamsad @ Md. Shamshad, Son of Md. Seraj @ Seraj.
 3. Md. Gulzar @ Md. Guljar Alam, Son of Md. Jabbar, All are resident of Village- Babura, P.S. Dhankund (Dhoraiya), District- Banka.

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha
For the Opposite Party/s : Mr. Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 17-12-2018 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Dhoraiya P.S. Case no. 59 of 2018, registered under Sections 341, 323, 324, 307, 379, 385, 504, 506 and 34 of the Indian Penal Code.

Petitioners are said to have extracted money from the drivers of the three sand ladden trucks and on claiming passage for the passing of his vehicle by the informant, they snatched his Rs. 20,000 on the point of arms. In the mean time when Tajuddin arrived there and intervened the occurrence they assaulted him. They assaulted the driver, namely, Faiyaz and



snatched his Rs. 4,000/-.

Learned counsel for the petitioners submitted that no such occurrence as alleged ever took place. The petitioners are quite innocent and have been falsely implicated in this case by the informant as the informant is having criminal antecedents and petitioners used to oppose the illegal activities of the informant. It is also submitted that the allegations levelled against the petitioners are not specific rather general and omnibus in nature. The drivers of the sand ladden trucks from whom extortion money is said to have been demanded by the petitioners have not been examined by the I.O. Only injury report of the Tajuddin has been filed in the case diary which indicates that he sustained two simple injuries which are abrasion and swelling and one another swelling on the left foot regarding which opinion has been reserved on 07.04.2018 but till date the supplementary injury report has not been filed and moreover the said victim in paragraph 26 of the case diary has stated that he got himself treated in PHC, Dhoraiya only and get cured.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court



below within a period of four 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 A.C.J.M.- IV, Banka in connection with Dhoraiya P.S. Case No. 59 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

Trivedi/-

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

