

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1794 of 2018

Arising Out of PS. Case No.-58 Year-2017 Thana- KHODABANDPUR District- Begusarai

1. Md. Mohiuddin, Son of Md. Suleman @ Suleman
2. Md. Suleman @ Suleman, Son of Md. Ali
3. Md. Sabir @ Shakoor, Son of Md. Ali
4. Md. Irfan, Son of Md. Ali
5. Md. Makran @ Gufran @ Md. Gufran @ Md. Mukran @ Md. Mujran, Son of Md. Irfan All residents of Village- Barijana, P.S. Khodawandpur, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam

For the Opposite Party/s : Mr. SRI ASHOK KUMAR SINGH

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 16-01-2018 Heard learned counsels for the petitioners and State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341, 342, 452, 386, 448 and 307/34 of the IPC.

The prosecution case got initiated with the filing of Complaint Case No. 13C of 2017 by Abdul Hafzi on 31.01.2017 which came to be registered as Khodawandpur P.S. Case No. 58 of 2017 on 02.05.2017, after the same being transferred under Section 156(3) of the Cr. P.C.

The prosecution case is that on 18.01.2017 at about 10AM, when the informant was in his house, in the meantime, all the accused persons including the petitioners came variously armed



and started abusing and assaulting the informant and when the informant protested, petitioner no.2, Md. Suleman and petitioner no.4, Md. Irfan caught hold of the informant, when petitioner no.3, Md. Sabbir and petitioner no.1. Md. Mohiuddin tied the hand and legs of the informant and they demanded extortion since the son of the informant resides abroad and thereafter they gave threat to life, as a result of which, the informant gave Rs. 5,000/- to the accused persons as extortion. In the meantime, petitioner no.3, Md. Sabbir and co-accused Suresh Roy took away the calf of the informant. It is also alleged that all the accused persons including the petitioners dug six feet deep ditch around the house of the informant, as a result of which, the house of the informant may collapse due to digging of ditch.

It is submitted by learned counsel for the petitioners that the accusation has been levelled in the background of litigated relationship between the parties. For the occurrence of 18.01.2017, the complaint was filed on 31.01.2017, which came to be registered as a police case on 02.05.2017. At earlier point of time, a proceeding under Section 107 Cr. P.C. was initiated between the parties vide Miscellaneous Case No. 42 of 2017. The informant earlier filed Khodawandpur P.S. Case No. 04 of 2015 on 07.01.2015 against some of the petitioners with similar



accusation, wherein the police submitted final report treating the dispute to be of civil nature.

Learned APP submits that there is specific accusation against the petitioners.

Considering the delayed lodging of the complaint case and the accusation being levelled in the background of litigated relationship between the parties, let the above named petitioners be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Manjhaul, Begusarai in connection with Khodawandpur P.S. Case No. 58 of 2017, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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