

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1742 of 2018

Arising Out of PS. Case No.-306 Year-2016 Thana- COMPLAINT CASE District-
Kishanganj

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1. Md. Zakir
 2. Md. Farok @ Farog Alam
 3. Md. Tanveer @ Tanweer Ahmad
 4. Md. Kuresh null null
 5. Md. Tanzir @ Tanzeel Alam All are Son of Late Abdul Rajjak
 6. Md. Salim @ Salim Son of Late Abbas
 7. Talyat Jahan @ Talat Ara @ Talat Jahan, Wife of Zafir
 8. Praveen Wife of Kuresh
 9. Md. Anwar @ Anwar Alam, son of Abdul Rajjak
 10. Akhatarul @ Akhtarul Islam, Son of Md. Zakir. At present Safa Nagar Phoolbari P.S. & District- Kishanganj, All are resident of Mahiyarpur, Dingsole, P.S.- Koshadhaman, District- Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sahedur Rahman S/o Late Haji Abdul Gaffur, resident of Dingsole, Mauja- Mahiyarpur, P.S.- Kochadhaman, District- Kishanganj.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Sinha
For the Opposite Party/s : Mr. MD. FAHIMUDDIN

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 12-01-2018 Heard learned counsel for the parties.

The petitioners are apprehending arrest in a complaint case filed with accusation under sections 323,341,379,384 and 452/34 of the IPC.

The prosecution case as per the complaint petition is that the complainant purchased 61 decimals of land in 1984-85. About one and half months prior to the lodging of the complaint, the accused persons came variously armed and



claimed the purchased land of the complainant. On protest being made they demanded extortion of Rupees One Lakh. On 22.4.2016 at 9-10 A.M. when the complainant went to inspect his agricultural land, the accused Jakir and Farooq came variously armed and started assaulting the informant. When the informant in order to save himself, ran towards his house, the accused persons entered into the house, ransacked the place, took away jewellery worth Rupees Two Lacs and Rupees Fifty Five Thousand cash.

It is submitted by learned counsel for the petitioners that in the background of land dispute the accusation has been levelled. The initial occurrence as per the complainant himself is of one and half months prior to the lodging of the complaint. No substantial injury has been caused to any one and the accusation of taking away jewellery and cash is cosmetic in nature.

Learned APP submits that on finding prima facie case cognizance has been taken.

Considering the fact that the accusation arises out of land dispute, that too being ventilated through complaint case and delayed lodging of the complaint, coupled with the statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the petitioners above named be



released on anticipatory bail in the event of arrest or surrender within 12 weeks 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, Kishanganj in connection with Complaint Case No. 306 of 2016, subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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