

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34451 of 2018

Arising Out of PS.Case No. -124 Year- 2017 Thana -AMAU District- PURNIA

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1. Mir Wahab, Son of Late Kadir.
2. Mir Hasibul, Son of Late Mir Khalil.
3. Mir Mahboob, Son of Late Mir Khalil.
4. Mir Sahil, Son of Mir Hasibul.
5. Mir Salim, Son of Mir Hasibul.
6. Mir Sarfaraz, Son of Mir Hasibul.
7. Mir Jamil Akhtar @ Mir Jameel, Son of Mir Mahboob,

All residents of Village- Rail Parwan Toli, P.S.- Amour, District- Purnea.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh
For the informant : Md. Hussain, Advocate.
For the Opposite Party/s : Mr. Smt. Nirmala Kumari

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 02-08-2018 Heard learned counsel for the petitioners, learned
counsel for the informant and the State.

The petitioners apprehend their arrest in **Amour P.S.**
Case No. 124 of 2017 instituted for the offence under Sections
147, 148, 149, 323, 354, 380, 452 and 364A of the Indian Penal
Code.

Counsel for the petitioners submits that there is land
dispute between the parties. The informant and petitioners are
Gotias. It has further been submitted that petitioner No. 1 has also
filed case against the informant and others vide Amour P.S. Case



No. 95 of 2017.

In the instant case there is specific allegation against petitioner No. 1 of dragging the son of the informant from the house and kidnapping him. It is further alleged that accused persons demanded a sum of Rs.50,000/- as *rangdari* from the informant if she wanted to get her son back.

Case diary has been received.

Learned A.P.P. after looking into the case diary has submitted that son of the informant has not been recovered till date.

This Court after looking into the specific allegation against petitioner No. 1 of dragging the son of the informant from the house and kidnapping him, is not inclined to grant anticipatory bail to petitioner No. 1.

Prayer for anticipatory bail of petitioner No. 1 namely, Mir Wahab stands rejected.

So far allegation against petitioner Nos. 2 to 7 are concerned, there is general and omnibus allegation against them. Therefore, prayer for anticipatory bail of petitioner Nos. 2 to 7 is allowed. In the event of surrender/arrest of the petitioner Nos. 2 to 7, named above, within six weeks from today, in connection with **Amour P.S. Case No. 124 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 learned **Chief Judicial Magistrate, Purnea**, 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 bond 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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