

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23855 of 2018

Arising Out of PS. Case No.-388 Year-2017 Thana- SULTANGANJ District- Bhagalpur

1. Rabia Khatoon, Wife of Irshad Resident of Kasimpur, P.S. Sultanganj, District - Bhagalpur.
2. Md. Maksood, Son of Jamaluddin
3. Md. Jasim @ Joso @ Md. Jasira @ Md. Joso, Son of Jamaluddin Both are resident of Village - Mirjapur, P.S. Sultanganj, District Bhagalpur.
4. Md. Junaid @ Pairu, Son of Late Rajjak Resident of Village - Kasimpur, P.S. Sultanganj, District Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Adv.
For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-04-2018 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 149, 307, 323, 325, 341, 384, 385, 448 of the Indian Penal Code.

The prosecution case got initiated on the basis of written report submitted by Md. Imtiyaz addressed to the Station House Officer, Sultanganj Police Station to the effect that brother of the informant Babloo Khan has purchased a piece of land and started constructing a house over the said land. Co-accused Md. Miraj, who is Block President of a political party demanded Rs. 1,50,000/- as extortion, but on non-payment of



the said amount, the accused persons started abusing the informant and committed theft of construction material. Consequently, they have been paid Rs.62000/- as extortion. On 08.11.2017, the informant received a telephonic message from Md. Miraj, asking informant's brother to meet him. During such meeting, on 09.11.2017, said Md. Miraj further demanded extortion of Rs.50,000/- from the brother of the informant and directed the informant's brother not to make further construction over the land till the demand raised is paid, but the brother of the informant did not stop the construction work, consequently, eighteen accused persons armed with deadly weapon assaulted Babloo Khan and Sitara Begum.

It is submitted by learned counsel for the petitioners that that specific accusation of assault is against Md. Miraj. One of the injuries have been found to be grievous. Moreover, in the background of land dispute, since the land in question has wrongly been recorded in the name of the informant's side, the accusation has been levelled. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by Mr. J. N. Thakur, learned APP for the State that there is specific accusation of assault against the



petitioners.

Considering the omnibus and general nature of accusation of assault, coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 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 learned ACJM, Bhagalpur, in connection with Sultanganj P.S. Case No.388 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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