

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.69399 of 2018

Arising Out of PS. Case No.-426 Year-2017 Thana- NATHNAGAR District- Bhagalpur

Mohamad Zafre Alam @ Md. Zafre Alam @ Md. Jafre Alam, Son of Late Md. Ali, Resident of Village- Narga Bazar, P.S.- Nath Nagar, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Deepak Kumar Sinha

For the Opposite Party/s : Mr.Md. Ansarul Haque

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 20-12-2018 Heard the learned counsel for the petitioner, informant and the State.

The petitioner had earlier preferred an application for anticipatory bail but the same was dismissed as withdrawn by order dated 06.02.2018.

Learned counsel for the petitioner has informed this court that the anticipatory bail petition was filed earlier but finding that the charge sheet in this case was submitted only under bailable Sections, the petition was withdrawn. Later cognizance has been taken under non-bailable Sections as well. Therefore the necessity of preferring fresh petition for anticipatory bail.

The petitioner seeks bail in anticipation of his arrest in connection with Nathnagar P.S. Case No. 426 of 2017 dated 13.08.2017 instituted for the offences under Sections 447, 341, 323, 379, 385, 504, 506 and



34 of the Indian Penal Code.

In the FIR lodged by one Md. Hasan Akhtar, it has been alleged that he had purchased one plot of land from one Fakre Alam and when he went to that land for getting the boundary wall erected, aforesaid Fakre Alam as well as the petitioner who is the brother of the vendor viz. Fakre Alam assaulted the informant and also demanded Rs. 1 lakh as protection money. There is another allegation also of pointing gun towards the informant for the purposes of obtaining money before the informant ventured to make any construction over the land.

Learned counsel appearing for the petitioner has submitted that the allegation, on face of it, appears to be incorrect and fabricated for the reason that the informant had purchased the land from the brother of the petitioner. If this be the situation, the allegation of demand of protection money by the vendor of the land as well as the petitioner who is the brother of the vendor does not appear to be logical.

In any view of the matter, this Court in the first instance was not inclined to grant anticipatory bail seeing the number of cases lodged against the petitioner, reference of which have been made in paragraph-3 of the petition. However learned counsel for the petitioner



intimated to this court that all the cases which have been lodged against the petitioner earlier to this case are at the instance of his agnates and the origin lies in the civil dispute and in all such cases, the petitioner is on bail. On these set of facts, I am inclined to grant anticipatory bail to the petitioner.

Considering the aforesaid facts, the petitioner above named is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Bhagalpur in connection with Nathnagar P.S. Case No. 426 of 2017, subject to the conditions as laid down under Section 438(2) Cr.P.C.

It is also made clear that if any information provided by the petitioner is found to be incorrect factually, it would be open for the informant and the State to proceed for cancellation of anticipatory bail.

(Ashutosh Kumar, J)

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