

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37863 of 2018

Arising Out of PS.Case No. -2 Year- 2017 Thana -SAKRA District- MUZAFFARPUR

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1. Md. Amin, S/o Late Nikail Miyan,
 2. Nasima Khatoon W/o Md. Amin,
 3. Md. Faiyaz S/o Md. Amin,
 4. Nasreen Khatoon @ Nasreena Khatoon D/o Md. Amin,
 5. Parveen Khatoon @ Pareen Khatoon D/o Md. Amin, All R/o Vill.- Baji Bujurg, P.S.- Sakara (Bariyarpur O.P.), P.S.- District- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar

For the Opposite Party/s : Mr. Sri Anil Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 04-07-2018

Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323, 307, 379, 354, 504 and 506/34 of the Indian Penal Code.

The prosecution case as per the written report of Samsul Haque submitted to Station House Officer Bariyarpur O.P. dated 04.01.2017 is to the effect that on 18.12.2016 at 11.00 A.M. when the informant was irrigating his land, all the five accused /petitioners came and started abusing the informant.



On protest being made, they started assaulting the informant. It is alleged that petitioner no. 1 Md. Amin and petitioner no. 3 Md. Faiyaz tried to strangle the informant by putting a towel around his neck, when the wife of the informant came then petitioner no. 2 Nasima Khatoon, petitioner no. 4 Nasreen Khatoon and petitioner no. 5 Parveen Khatoon pulled her down on the ground by pulling her hair and Nasima Khatoon snatched gold chain worth Rs. 28,000/-. It is alleged that Amin and Faiyaz tore the blouse and sari of the wife of the informant and whereby she became disrobed, and when nearby people came, the accused persons flee away.

It is submitted by learned counsel for the petitioners that in the background of land dispute the accusation has been levelled. Even the accusation does not suggest any offence under Section 307 of the I.P.C. and accusation of snatching jewellery appears to be cosmetic in nature and a case with regard to land dispute is going on between the parties before DCLR, Muzaffarpur as the informant purchased the land from mother-in-law of petitioner no. 2 for which the parties are on litigating terms from before. It is further submitted that on conclusion of investigation the petitioners were not sent up for trial, but differing with the same the learned Magistrate took



cognizance and also issued processes against them.

Learned APP, however, submits that the petitioners are named in the FIR with specific accusation.

Considering the fact that on conclusion of the investigation the petitioners were not sent up for trial and statement has been made in paragraph 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 twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Judge XIII cum A.C.J.M. IV, Muzaffapur in connection with Sakara (Bariyarpur O.P.) P.S. Case No. 02 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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