

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1790 of 2019

Arising Out of PS. Case No.-720 Year-2018 Thana- ARARIA District- Araria

1. Md. Nasim @ Nasimuddin, aged about 55 years, Gender-Male, son of late Jill
2. Md. Aslam @ Aslam, aged about 53 years, Gender-Male, son of late Jalil
3. Rabban Rahi, aged about 30 years, Gender-Male, son of Md. Nasim.
4. Razi @ Raazi, aged about 28 years, Gender-Male, son of Md. Nasim
5. Masoom Rahi @ Vikky, aged about 25 years, Gender-Male, son of Md. Nasim
6. Babloo, aged about 25 years, Gender-Male, son of Aslam
7. Tanvir, aged about 23 years, Gender-Male, son of Aslam
8. Toufique, aged about 24 years, Gender-Male, son of Md. Sajid
9. Sonu, aged about 22 years, Gender-Male, son of Md. Sajid
all are residents of village-Sisouna Ward No.05, Police Station and District-Araria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Adv.
For the Opposite Party/s : Smt. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-01-2019 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
341, 323, 325, 379, 307, 385, 504/34 of the Indian Penal Code.

The prosecution case got initiated on the basis of written
report dated 23.10.2018 submitted by Asad Alam to the Station
House Officer, Araria Town Police Station to the effect that on
the same day at 4.30 P.M., 13 accused persons, named in the



FIR, including the petitioners assaulted the informant. The informant is working as a care taker of Mira bus, whereas, the accused persons were demanding extortion money from the buses. On the alleged date of occurrence, the accused persons came and demanded Rs.1000/- as extortion, which was declined by another staff of the bus, thereafter the accused persons started assaulting him. Though, the informant gave Rs.1000/- to the accused persons, but the accused persons further demanded Rs.50,000/- and on protest being made, they assaulted the informant with an iron rod. When the brother of the informant namely Sakir Alam came to rescue him, he was also assaulted by the accused persons with an iron rod, as a result, he became unconscious. It is further alleged that the accused persons snatched cash amount of Rs.5000/- and Rs.3300/- respectively from the pocket of the informant and his brother.

It is submitted by learned counsel for the petitioner that the accusation is omnibus and general. Though the injury reports reflect the nature of injury is simple, except one injury caused to the brother of the informant which is grievous, but the accusation of assault has been levelled against 13 persons. It is further submitted that there is a counter version of the occurrence also being Araria P.S. Case No. 721 of 2018 lodged



by petitioner no.6. 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 learned APP for the State that the petitioners are named in the FIR.

Considering the accusation being omnibus and general against 13 accused persons, 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 CJM, Araria, in connection with Araria P.S. Case No.720 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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