

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2839 of 2019

Arising Out of PS. Case No.-123 Year-2018 Thana- BEERPUR District- Begusarai

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1. Md. Ishtiyaque Ahmad @ Rozy, aged about 40 years (Male), Son of Md. Mushtaque.
 2. Md. Mujtaba @ Mojo, aged about 32 years (Male), Son of Late Md. Mushtafa.
 3. Md. Mehru @ Md. Meharban, aged about 26 years (Male) late Md. Mushtafa.
 4. Md. Shadaab @ Md. Shadab Alam, aged about 24 years (Male), Son of Md. Mansoor. All are residents of Village- Hasanpur, Mubarakpur, P.S- Birpur, Dist- Begusarai.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Md. Harun Quareshi, Advocate.
For the Opposite Party : Mr.Arun Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-01-2019 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 147, 148, 149, 341, 323, 504 and 307 of the IPC, $\frac{3}{4}$ of the Explosive Substance Act and 27 of the Arms Act.

The prosecution story, in brief, is that when the informant Ram Nihora Singh went to see his land on 17.10.2018 situated at Mubarakpur Mauza, saw the petitioners were ploughing hisr land and having seen the informant, the petitioner no. 1 Md. Ishtiyaque Ahmad @ Rozy abused and



asked to kill the owner of the land and then petitioner no. 1 Md. Ishtiyaque Ahmad and five others rushed towards him, assaulted with fists and slaps him and put the *Gamachha* around the neck and started pulling down having hurt the gagging voice and on hearing sound of firing, nearby persons came and saved him and petitioner no. 4 Md. Shadaab threw bomb but the informant succeeded in fleeing away. The informant claimed the land in question is his *Khatiyani* land and petitioners were putting pressure on him to transfer the land but he refused to do so and such occurrence has taken place.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. None is said to have been injured in course of occurrence. No offence under Section 307 of the IPC is made out.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of six weeks



from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Begusarai, in connection with Birpur P.S. Case No. 123 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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