

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38411 of 2019

Arising Out of PS. Case No.-323 Year-2017 Thana- NATHNAGAR District- Bhagalpur

1. Md. Salim @ Salim, Son of late Md. Mansoor, Resident of Mohalla- Laxmi Narayan Singh Lane, Nathnagar, P.S.- Nathnagar, District- Bhagalpur.
2. Md. Shahnawaz Ansari @ Shahnawaz, Son of Late Md. Mansoor, Resident of Mohalla- Laxmi Narayan Singh Lane, Nathnagar, P.S.- Nathnagar, District- Bhagalpur.
3. Umar Faruque, Son of Late Md. Mansoor, Resident of Mohalla- Laxmi Narayan Singh Lane, Nathnagar, P.S.- Nathnagar, District- Bhagalpur.
4. Md. Ayub @ Ayub, Son of Late Kaiyum Resident of Mohalla- Laxmi Narayan Singh Lane, Nathnagar, P.S.- Nathnagar, District- Bhagalpur.
5. Irshad, Son of Late Kaiyum Resident of Mohalla- Laxmi Narayan Singh Lane, Nathnagar, P.S.- Nathnagar, District- Bhagalpur.
6. Ejaz @ Mintu, Son of Late Kaiyum Resident of Mohalla- Laxmi Narayan Singh Lane, Nathnagar, P.S.- Nathnagar, District- Bhagalpur.
7. Arsad, son of Late Mustaque, Resident of Mohalla- Laxmi Narayan Singh Lane, Nathnagar, P.S.- Nathnagar, District- Bhagalpur.
8. Asad, Son of Late Mustaque, Resident of Mohalla- Laxmi Narayan Singh Lane, Nathnagar, P.S.- Nathnagar, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha
For the Opposite Party/s : Mr.Bharat Bhushan (App 156)

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 12-07-2019 It appears that vide order dated 25.06.2019, this application was dismissed as withdrawn with respect to petitioner nos. 3 and 6.

Heard learned counsel for the petitioner nos. 1, 2, 4, 5, 7 and 8 and the learned A.P.P. for the State.



The petitioner nos. 1, 2, 4, 5, 7 and 8 apprehend their arrest in connection with Nathnagar P.S. Case No. 323 of 2017, registered under Sections 461, 341, 323, 379, 504, 506 and 385/34 of the Indian Penal Code.

The accusation is that in the morning of 08.07.2014, informant, Md. Ahsan Ansari, received information to the effect that lock of his shop situated at Gudari Bazar Lane, Station Road, Nathnagar was being broken by the miscreants then he reached there and found that 8-10 persons, having chheni and hammer in their hand, engaged in breaking the lock of his shop. When the informant made protest then they started to abuse and caused assault to him through fist and slaps. In the meantime, on the order of Md. Salim (petitioner no.1), Md. Ejaj @ Mantu (petitioner no.6) started cutting the lock and after cutting the lock, all entered in the shop and took cash of Rs.26,400/- from cash and also looted shoes and slippers. At that time, petitioner nos. 5 and 8 made demand of Rs.2,00,000/- as ransom.

Learned counsel for the petitioner submits that, in fact, aforesaid shop is belonging to the petitioners, which is let out by the trust, and the informant claimed with regard to the aforesaid shop and filed an application before the S.D.M., Sadar,



Bhagalpur, under Section 144 of the Cr.P.C. and Title Suit is also pending in the court of Sub-Judge-XII, Bhagalpur. Further submission is that petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner nos. 1, 2, 4, 5, 7 and 8 be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six 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 A.C.J.M., Bhagalpur, in connection with Nathnagar P.S. Case No. 323 of 2017, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

Accordingly, this application is disposed of.

(Rajendra Kumar Mishra, J)

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