

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63528 of 2019**

Arising Out of PS. Case No.-2937 Year-2018 Thana- SIWAN COMPLAINT
CASE District- Siwan

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1. MOHAMMAD AZAD Son of Md. Nabbu Miya Resident of Village - Kazi Bazar, P.O. and P.S.- Maharajganj, District - Siwan.
 2. Mohammad Arif Son of Md. Nabbu Miya Resident of Village - Kazi Bazar, P.O. and P.S.- Maharajganj, District - Siwan.
 3. Aftab Alam @ Babu Telar Master Son of Khedan Miya Churihar Resident of Village - Kazi Bazar, P.O. and P.S.- Maharajganj, District - Siwan.
 4. Mohammad Ajajul Haque @ Mohammad Ajajul Mian @ Ajajul Haque Son of Muslim Miya Churihar Resident of Village - Kazi Bazar, P.O. and P.S.- Maharajganj, District - Siwan.

... .. Petitioners

Versus

1. The State of Bihar
2. Anil Kumar Son of Lakshman Prasad Resident of Village - Kazi Bazar, P.O. and P.S.- Maharajganj, District - Siwan.

... .. Opposite Parties

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Appearance :

For the Petitioners	:	Mr. Vagisha Pragya Vacaknavi, Advocate.
For the State	:	Mrs. Rina Sinha, APP
For the Informant	:	Mr. Ajay Kumar Pandey Mr. Chandan Kumar, Advocates.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

- 2 24-10-2019 Heard learned counsel for the petitioners, learned counsel for the complainant as well as learned APP for the State.
2. The petitioners apprehend their arrest for the offences alleged under Sections 380, 352, 379, 323, 504, 307, 354, 34 of the Indian Penal Code registered in connection with Complaint Case No. 2937 of 2018.
3. It is submitted that the petitioners have been falsely implicated in the backdrop of petty dispute over drainage. The



complaint has been filed in retaliation to the several complaints filed by the petitioners against the complainant and his father and brother before the Circle Officer, S.D.O. (Annexures- P/7 and) P/8) as well as before the Electricity Department, the latter leading to institution of Maharajganj P.S. Case No. 162 of 2018 (Annexure-P/2). It is further submitted that there is no injury report on record to corroborate the accusation of assault as evident from the order of the learned Sessions Judge. Learned counsel for the petitioner relies on a decision of this Court in *Cr. Misc. No. 43455 of 2016 (Muni Khatoon Vs. The State of Bihar and another)* in reply to the State preliminary objection of non-maintainability of the present petition. The petitioners claim clean antecedents.

4. It is submitted that there is specific accusation of assault against the petitioner no. 1 of having pressed the neck of the complainant while other petitioners have assaulted the complainant's wife.

5. Be that as it may, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Complaint Case No. 2937 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions -

(i) That one of the bailors shall be a close relative of the petitioners.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioners shall remain physically present in Court on each and every date during trial and in the



event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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