

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58122 of 2019

Arising Out of PS. Case No.-1174 Year-2018 Thana- COMPLAINT CASE District- Araria

1. WAKIF @ MD. WAKIF Son of Late Saiyad
2. Sohrab @ Md. Sohrab Son of Late Saiyad
3. Abutalha Son of Sayeed Hussain
4. Habibur Rahman Son of Yunus
5. Sayeerdur Rahman @ Md. Sayeerdur Rahman Son of Salamat Hussain
6. Sayeed Hussain @ Md. Sahid Hussain Son of Late Durjan

All Resident of Village - Pathraha, ward No. 12, P.S.- Narpatganj (Ghurna),
Distt - Araria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rizwan Son of Salim Miyan Resident of Village - Pathraha, ward No. 12,
P.S.- Narpatganj (Ghurna), Distt - Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh
For the Opposite Party/s : Mr.Satya Nand Shukla

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 16-09-2019 The petitioners apprehend their arrest in connection with

Complaint Case No. 1174C of 2018 in which cognizance under

Sections 323,341,342 and 384 of the Indian Penal Code has

been taken by the learned Magistrate.

Allegation against the petitioners, as per complaint, is that

complainant runs a betel shop and also sells snacks etc. It has

further been alleged that accused persons used to come at the

shop of the complainant regularly and used to drink cold drink

from the shop of the complainant and upon demand of money,



they used to threaten him with dire consequences. It has further been alleged that when the complainant refused to give articles, accused persons i.e., petitioners, started demanding Rs. 25,000/- as *Rangadari* from him and on 03.06.2018, all accused persons armed with *lathi*, *danda* and knife came at the complainant's shop and started abusing and demanding *Rangadari* and also took out cash of Rs. 10,000/- from the pocket of the complainant.

Learned counsel appearing on behalf of the petitioners submits that petitioners have falsely been implicated in this case due to village politics inasmuch as wife of petitioner no. 1 is a *Sarpanch* of the village and other petitioners are followers of the wife of petitioner no. 1. He further submits that fact of the matter is that this complaint has been filed at the behest of Mukhia of the Panchayat with oblique motive inasmuch as wife of petitioner no. 1 used to object Mukhiya frequently in the matter of Mukhia being indulged in misuse of his power while discharging the function of Mukhia of the Panchayat. Learned counsel further submits that the present complaint has been lodged after a lapse of about five days from the date of alleged occurrence.

Having regard to the submissions made by the parties and



taking into consideration the fact that complainant has lodged the complaint after delay of five days and further there is political rivalry in the village, as such I am inclined to grant anticipatory bail to the petitioners.

Let the petitioners, above-named, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be released on bail upon furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of Mr. S.K.Sharma, Judicial Magistrate, 1st Class, Araria in connection with Complaint Case No. 1174C of 2018; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

sujit/-

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