

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62642 of 2019

Arising Out of PS. Case No.-148 Year-2017 Thana- MANIGACHI District- Darbhanga

MD. GULAB Son of Late Md. Abid Resident of Village - Nazra
Mohammada, P.S.- Manigachhi, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Iqbal Asif Niazi

For the Opposite Party/s : Mr.Anita Kumari

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 18-10-2019 Heard both sides.

The petitioner apprehends his arrest in Manigachhi
P.S. Case No.148 of 2017 registered under Sections 341, 323,
324, 307, 379, 384, 504 and 34 of the Indian Penal Code.

Md. Mohibul Rahman, the informant alleged that he
was engaged in filling soil from tractor. On 28.06.2017, after
collecting money, when he was taking tea, Md. Arman and Md.
Gulab(petitioner) came and asked the informant to pay
extortion. On refusal, the petitioner is said to have tied towel
around his neck and Md. Arman assaulted him with dagger
which hit on his chest. The petitioner is alleged to have snatched
Rs.37,000/- from the pocket of the informant.

The learned counsel for the petitioner submits that the
petitioner is close relative of the informant. The present case is



an outcome of enmity. Raushan Khatoon, mother of co-accused Md. Arman, lodged Manigachhi P.S. Case No.151 of 2017 against the informant. The informant and Md. Arman are cousin and there is dispute of egress and ingress between the informant and Md. Arman. Some altercation took place between two sides for use of pathway and that is why the informant lodged this case implicating Md. Arman and the petitioner. Md. Arman has already been granted anticipatory bail by order dated 17.06.2019 in Cr. Misc. No.15139 of 2019. It is further submitted that informant alleged that he was assaulted by Md. Arman with dagger but the injuries found on the person of Md. Mohibul Rahman is lacerated wound that too caused by hard and blunt object and simple in nature and this fact itself belies the prosecution story.

It appears from the facts that the petitioner is not alleged to have assaulted the informant. It was Md. Arman who demanded extortion from the informant but there appears that the informant and Md. Arman are inimical term from before. The petitioner is alleged to have snatched Rs.37,000/- from the pocket of the informant and also assaulted with fist and slab but only one lacerated wound was found that too simple in nature on the body of the informant. The co-accused, Md. Arman has



already been granted anticipatory bail.

Taking into consideration the facts aforesaid, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-5, Darbhanga in connection with Manigachhi P.S. Case No.148 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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