

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64482 of 2019

Arising Out of PS. Case No.-125 Year-2019 Thana- NAUTAN District- West Champaran

1. Md. Sagir Alam @ Md. Sagir @ Sagir Alam, Son of Mustafa Ansari Resident of Village - Khada Mushahi, P.S.- Nautan, Distt - West Champaran.
2. Khurshid Ansari @ Kuhrshid, Son of Neyaz Ansari @ Md. Miyan, Resident of Village - Khada Mushahi, P.S.- Nautan, Distt - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sanjeev Kumar Shrivastava, Advocate.
For the informant	:	Mr. Satish Kr. Sinha, Advocate.
For the State	:	Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 24-10-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Nautan P.S. Case No. 125 of 2019 registered under Sections 147, 148, 149, 341, 109, 323, 307 and 302 of the Indian Penal Code.

The accusation is that in the evening of 01.04.2019, when the informant, Md. Kayum, reached at his door then saw that his villager, Faiyaz Ahmad, Mustafa Ansari and Wakil Ansari was demanding ransom of Rs.10,00,000/- to his brother, Md. Aslam, who were recently released on bail in a case, in which, his brother, Md. Ayub is witness. In the meantime, 11



persons named in the F.I.R. including the petitioners having lath, sword and rod in their hand also came. Thereafter, on the order of Md. Faiyaz, Md. Anjar Ansari gave iron rod blow causing injury at his head and leap. At that time, Fyaz Ahmad and Mustafa Ansari caught hold to Md. Aslam, brother of the informant and Fyaz gave iron rod blow at the head of Md. Aslam and Mustafa Ansari also gave iron rod at the head of Md. Aslam. On hearing Hallah, his brother, Md. Ayub reached there and tried to save him and his brother, Md. Aslam. At that time, Md. Jafir Ansari and Md. Suleman caused injury at the left hand of Md. Ayub and Md. Aslam also sustained head injury, who became senceless.

Learned counsel for the petitioners submits that in fact, marpit took place due to some dispute, in which, petitioners' side also sustained injury, regarding which, Nautan P.S. Case No. 126 of 2019 is instituted on the basis of Fradbeyan of Md. Mustafa against the informant of the present case. Moreover, both the petitioners are named in the F.I.R. but no specific overt act has been attributed against them to cause injury to injured Md. Aslam, who died later on or any other injured. Further submission is that specific allegation is against Fyaz and Mustafa Ansari to cause injury to deceased, Md.



Aslam, brother of the informant.

Having regard to the facts and circumstances of the case, let the above named petitioners 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 Chief Judicial Magistrate, Bettiah, West Champaran, in connection with Nautan P.S. Case No. 125 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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