

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66856 of 2019

Arising Out of PS. Case No.-1170 Year-2017 Thana- COMPLAINT CASE District- Araria

1. Md. Rijwan @ Rijwan Son of Md. Iliyas Resident of Village - Mahalgaon Idgah Tola, P.S.- Mahalgaon, (Jokihat), District - Araria.
2. Md. Galib Son of Late Riyaz Resident of Village - Mahalgaon Idgah Tola, P.S.- Mahalgaon, (Jokihat), District - Araria.
3. Jumani Wife of Md. Rijwan Resident of Village - Mahalgaon Idgah Tola, P.S.- Mahalgaon, (Jokihat), District - Araria.
4. Arsadi Wife of Md. Galib Resident of Village - Mahalgaon Idgah Tola, P.S.- Mahalgaon, (Jokihat), District - Araria.
5. Najhat Daughter of Late Riyaz Resident of Village - Mahalgaon Idgah Tola, P.S.- Mahalgaon, (Jokihat), District - Araria.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Afsana Wife of Md. Ajim Resident of Village - Mahalgaon Idgah Tola, P.S.- Mahalgaon, (Jokihat), District - Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gopal Kumar Jha
For the Opposite Party/s : Mr.Anil Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-11-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 147, 323, 354(B), 448 and 427 of the Indian Penal Code.

The prosecution case is that on 01.06.2017, the accused persons forcibly started constructing a house on the



land of the complainant. On protest being made, all the accused persons assaulted and abused the complainant and when the husband of the complainant came to rescue, then he was also assaulted and thereafter, the accused persons entered into the house of the complainant and took away household articles worth Rs.25,000/-.

It is submitted by learned counsel for the petitioners that for the alleged occurrence of 01.06.2017, the complaint was filed on 03.06.2017 and omnibus and general accusation has been levelled against the petitioners in the background of land dispute. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the petitioners are named in the complaint petition and alleged to have assaulted the complainant and her husband.

Considering the genesis of the occurrence and the accusation being omnibus and general coupled with the statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of



twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-V, Araria in connection with Complaint Case No. 1170 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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