

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24183 of 2020

Arising Out of PS. Case No.-1086 Year-2019 Thana- ARARIA District- Araria

1. EKBAL Son of Late Islam Resident of Village- Damheli, Ward No.-03, P.S.- Araria, Dist- Araria.
2. Afaque Son of Rafique Resident of Village- Damheli, Ward No.-03, P.S.- Araria, Dist- Araria.
3. Eklakh Son of Rafique Resident of Village- Damheli, Ward No.-03, P.S.- Araria, Dist- Araria.

... .. Petitioners.

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramesh Kumar Singh, Advocate.
For the Opposite Party/s	:	Mr. Uma Shankar Prasad Singh, APP
For the Informant	:	Mr. Gopal Kumar Jha, Advocate.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 27-11-2020 Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State through virtual Court proceedings.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 115, 307, 327, 385, 354B, 506, 504 & 427 of the Indian Penal Code.

The prosecution case, in brief, is that while the brother of the informant was ploughing his field by tractor, all of a sudden, all the FIR named accused persons armed with deadly weapon reached there. Accused Samsad and Asfaque demanded



Rs.2 lacs as extortion otherwise he cannot stand upon the land. On protest made by the informant, on the order of accused Samsad and Afaq, the accused persons surrounded him and started assaulting them. Accused Ashfaq assaulted on the head of Talib by farsa, accused Ekbal gave Garasa blow on the chest of Shoukat and other assaulted with lathi to Gairu, accused Dilsaba assaulted Sabrin and Samina with leg and fist. In the meanwhile the villagers came there and saved their life.

It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case. As a matter of fact, both the parties are co-villagers and next door neighbours and a land dispute is pending since long between the parties. The land in question are ancestral property of the petitioners and they are coming in peaceful possession on the same. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. It is further submitted that the independent witnesses and some other witnesses have not supported the prosecution case. The injury sustained by the victim is simple in nature. Petitioners have no criminal antecedent.

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.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with Araria P.S. Case No.1086 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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